



Colorado Department of Public Health and Environment

OPERATING PERMIT

Sinclair Transportation Company
Denver Products Terminal
First Issued: October 1, 1998
Renewed: August 1, 2011

AIR POLLUTION CONTROL DIVISION

COLORADO OPERATING PERMIT

FACILITY NAME:	Denver Products Terminal	OPERATING PERMIT NUMBER
FACILITY ID:	0010019	96OPAD172
RENEWED:	August 1, 2011	
EXPIRATION DATE:	August 1, 2016	
MODIFICATIONS:	See Appendix F of Permit	

Issued in accordance with the provisions of Colorado Air Pollution Prevention and Control Act, 25-7-101 et seq. and applicable rules and regulations.

ISSUED TO:	PLANT SITE LOCATION:
Sinclair Transportation Company	8581 East 96th Avenue
550 East South Temple	Henderson, Colorado 80640
Salt Lake City, Utah 84102	Adams County

INFORMATION RELIED UPON

Operating Permit Renewal Application Received: July 25, 2007
And Additional Information Received:

Nature of Business: Petroleum Product Storage and Distribution
Primary SIC: 5171

RESPONSIBLE OFFICIAL	FACILITY CONTACT PERSON
Name: Mark Petersen	Name: Curtis Rice
Title: Vice President Pipeline and Terminals	Title: Corporate Air Quality Engineer
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SUBMITTAL DEADLINES

First Semi-Annual Monitoring Period:	August 1, 2011 – September 30, 2011
Semi-Annual Monitoring Period:	October 1 - March 31, April 1 - September 30
Semi-Annual Monitoring Report:	November 1, 2011 & May 1, 2012 and subsequent years
First Annual Compliance Period:	August 1, 2011 – September 30, 2011
Annual Compliance Period:	October 1 to September 30
Annual Compliance Certification:	November 1, 2011 and subsequent years

Note that the Semi-Annual Monitoring Reports and Annual Compliance Certifications must be received at the Division office by 5:00 p.m. on the due date. Postmarked dates will not be accepted for the purposes of determining the timely receipt of those reports/certifications.

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SECTION I - General Activities and Summary

1. Permitted Activities

- 1.1 This facility consists of a petroleum products terminal which falls into the Standard Industrial Classification 5171. Processes include fourteen (14) storage tanks for gasoline, fuel oil #1, fuel oil # 2, ethanol and petroleum liquids permitted in Section II, Condition 1.3. The facility also contains a tank truck loading rack and a railcar loading/unloading rack. Ethanol is received via truck and rail rack. Emissions from the tank truck loading rack, tank # 1 and tank # 14 are controlled by a VCU.

The facility is located in the town of Henderson in the Denver Metro Area. The Denver Metro Area is classified as attainment/maintenance for particulate matter less than 10 microns in diameter (PM10) and carbon monoxide (CO). Under that classification, all SIP-approved requirements for PM10 and CO will continue to apply in order to prevent backsliding under the provisions of Section 110(l) of the Federal Clean Air Act. The Denver Metro Area is classified as non-attainment for ozone and is part of the 8-hr Ozone Control Area as defined in Regulation No. 7, Section II.A.1.

There are no affected states within 50 miles of the plant. The following Federal Class I designated areas are within 100 kilometers of the plant: Rocky Mountain National Park.

- 1.2 Until such time as this permit expires or is modified or revoked, the permittee is allowed to discharge air pollutants from this facility in accordance with the requirements, limitations, and conditions of this permit.
- 1.3 This Operating Permit incorporates the applicable requirements contained in the underlying construction permits, and does not affect those applicable requirements, except as modified during review of the application or as modified subsequent to permit issuance using the modification procedures found in Regulation No. 3, Part C. These Part C procedures meet all applicable substantive New Source Review requirements for purposes of this Operating Permit and shall survive reissuance. This Operating Permit incorporates the applicable requirements (except as noted in Section II) from the following Colorado Construction Permit: 96AD132.
- 1.4 All conditions in this permit are enforceable by US Environmental Protection Agency, Colorado Air Pollution Control Division (hereinafter Division) and its agents, and citizens unless otherwise specified. **State-only enforceable conditions are:** Permit Condition Number(s): Section II, Conditions 1.8, 2.9, 3.3; Section IV, Conditions 3.d, 3.g, 14, and 18 (as noted)
- 1.5 All information gathered pursuant to the requirements of this permit is subject to the Recordkeeping and Reporting requirements listed under Condition 22 of the General Conditions

in Section IV of this permit.

2. Alternative Operating Scenarios

- 2.1 The permittee shall be allowed to make the following changes to its method of operation without applying for a revision of this permit:

No separate operating scenarios have been specified.

3. Non-Attainment New Source Review (NANSR) and Prevention of Significant Deterioration (PSD)

- 3.1 This facility is categorized as a NANSR major stationary source (Potential to Emit of VOC \geq 100 Tons/Year). Future modifications at this facility resulting in a significant net emissions increase (see Reg 3, Part D, Sections II.A.26 and 42) for VOC or a modification which is major by itself (Potential to Emit of \geq 100 TPY of VOC) may result in the application of the NANSR review requirements.

This facility is categorized as a PSD major stationary source (Potential to Emit \geq 100 Tons/Year for a listed source category) for VOC. Future modifications at this facility resulting in a significant net emissions increase (see Reg 3, Part D, Sections II.A.26 and 42) or a modification which is major by itself (Potential to Emit of \geq 100 TPY for a listed source category) for any pollutant listed in Regulation No. 3, Part D, Section II.A.42 for which the area is in attainment or attainment/maintenance may result in the application of the PSD review requirements.

- 3.2 There are no other Operating Permits associated with this facility for purposes of determining applicability of Prevention of Significant Deterioration regulations.

4. Accidental Release Prevention Program (112(r))

- 4.1 Based on the information provided by the applicant, this facility is not subject to the provisions of the Accidental Release Prevention Program (Section 112(r) of the Federal Clean Air Act).

5. Compliance Assurance Monitoring (CAM)

- 5.1 The following emission points at this facility use a control device to achieve compliance with an emission limitation or standard to which they are subject and have pre-control emissions that exceed or are equivalent to the major source threshold. They are therefore subject to the provisions of the CAM program as set forth in 40 CFR Part 64 as adopted by reference into Colorado Regulation No. 3, Part C, Section XIV: **S015 – Tank Truck Loading Rack**

See Section II, Condition 2.100 for CAM requirements.

6. Summary of Emission Units

6.1 The emissions units regulated by this permit are the following:

Emission Unit Number	AIRS Stack Number	Facility Identifier	Description	Start up	Pollution Control Device
S001	002	EU-1	Lifter Roof Gasoline Storage Tank, 2,310,000 Gallon Capacity, Vented to a VCU	1963	VCU
S002	020	EU-2	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity	1974	None
S003	021	EU-3	Fixed Roof Ethanol Storage Tank, 420,000 Gallon Capacity	1963	None
S004	020	EU-4	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity	1974	None
S005	021	EU-5	Fixed Roof Ethanol Storage Tank, 420,000 Gallon Capacity	1963	None
S006	007	EU-6	Fixed Roof Ethanol Storage Tank, 840,000 Gallon Capacity	1966	None
S007	020	EU-7	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity	1974	None
S008	009	EU-8	Fixed Roof Fuel Oil Storage Tank, 1,680,000 Gallon Capacity	1974	None
S009	010	EU-9	Internal Floating Gasoline/Ethanol Roof Storage Tank, 2,310,000 Gallon Capacity	1974	None
S010	011	EU-10	Internal Floating Gasoline Roof Storage Tank, 2,310,000 Gallon Capacity	1974	None
S011	012	EU-11	External Floating Gasoline Roof Storage Tank, 2,940,000 Gallon Capacity	1978	None
S012	013	EU-12	External Floating Gasoline Roof Storage Tank, 3,780,000 Gallon Capacity	1978	None
S013	014	EU-13	External Floating Gasoline Roof Storage Tank, 4,620,000 Gallon Capacity	1982	None
S014	015	EU-14	Fixed Roof Pipeline Overflow Storage Tank, 201,540 Gallon Capacity, Vented to a VCU	1963	VCU
S015	018	EU-15	Tank Truck Loading Rack, Gasoline Fuel Oil and Ethanol, 600 gpm per arm, Vented to a VCU	1963	VCU
S016	016	EU-16	Railcar Fuel Oil Loading/Unloading Rack, 1,100 gpm per arm	1963	None
S017	017	EU-17	Fugitive VOC Emissions	1963 2004	None

SECTION II - Specific Permit Terms

1. S002-S013 - Twelve (12) Storage Tanks

Parameter	Permit Condition Number	Facility Wide Limitations		Compliance Emission Factor	Monitoring	
		Short Term	Long Term		Method	Interval
VOC	1.1		146.5 tons/yr	EPA Tanks Version 4.0 or Higher	Recordkeeping and Calculations	Monthly
HAPs		<8 tons/yr (any one HAP) <20 tons/yr (total HAPs)				
Gasoline Throughput	1.2		306,600,000 gallons/yr	See Condition 1.2.2.	Recordkeeping and Calculations	Monthly
Fuel Oil Throughput			306,600,000 gallons/yr			
Oxygenate Throughput			54,100,000 gallons/yr			
Tank Content Specifications	1.3	Vapor Pressure Restrictions			Recordkeeping	At All Times
General Storage and Transfer Requirements	1.4				III.A – Semi-annual inspections III.B – Design of tank VI – As set forth in VI	
NSPS K, Ka – S009, S010, S011 – S013	1.5				As required in NSPS Subpart K and Subpart Ka	
NSPS General Provisions	1.6				As required in the NSPS General Provisions	
NESHAP Subpart BBBBBB – S009 – S013	1.7	See Condition 5			As required in NESHAP Subpart BBBBBB	
Odor	1.8	As specified in Colorado Regulation No. 2, Part A			Recordkeeping and Work Practices	As Noted

- 1.1 Facility wide emissions of air pollutants shall not exceed the limitations above (Colorado Construction permit 96AD132). Monthly VOC and HAP emissions shall be calculated using EPA Tanks Program Version 4.0 or higher multiplied by tank throughput and total VOC emissions, respectively. These emissions shall be added to all other facility emissions to compare with the facility limit. Records of information regarding HAP constituents of products stored shall be kept on site for Division inspection upon request.

A twelve month rolling total of facility emissions shall be maintained to monitor compliance with the facility wide annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data. Emissions shall be calculated by the end of

- each subsequent month. Records of calculations shall be maintained for Division inspection upon request.
- 1.2 Throughput of each fuel shall not exceed the limitations above (Colorado Construction permit 96AD132).
- 1.2.1 Fuel throughput for each tank shall be determined by multiplying the height difference measured with the cross-sectional area of each tank, respectively. Monthly throughput shall be used to determine tank emissions for Condition 1.1. Records of throughputs shall be maintained for Division inspection upon request.
- 1.2.2 Compliance with throughput limitations shall be monitored as specified in Conditions 2.2.1 and 3.2.
- 1.3 Petroleum liquids other than those permitted may be stored/transferred provided that the vapor pressures are lower than those liquids permitted and that they do not contain hazardous air pollutants by weight percent (single or total) greater than those liquids permitted unless approved by the Division and the appropriate APENs are filed. All petroleum liquids other than those permitted must have information available on site regarding vapor pressure and HAP constituents prior to storage or transfer. Such information shall be kept on site and made available to the Division upon request.
- 1.3.1 No liquids or petroleum products with a vapor pressure higher than gasoline (10.0 psia @ 70 °F) shall be stored in Tanks 9, 10, 11, 12 and 13.
- 1.3.2 No petroleum products or liquids with a higher vapor pressure than distillate fuel oil grade petroleum (0.011 psia @ 70 °F) shall be stored in Tanks 2, 4, 7, and 8.
- 1.3.3 Materials with vapor pressure higher than ethanol (0.92 psia @ 70 °F) shall not be stored in Tanks 3, 5 and 6.
- 1.4 This facility is subject to Regulation No. 7 – Control of Ozone Via Ozone Precursors as follows:
- 1.4.1 All tanks are subject to Section III.A – Maintenance and Operation of Storage Tanks and Related Equipment:
- All storage tank gauging devices, anti-rotation devices, accesses, seals, hatches, roof drainage systems, support structures, and pressure relief valves shall be maintained and operated to prevent detectable vapor loss except when opened, actuated, or used for necessary and proper activities (e.g. maintenance). Such opening, actuation, or use shall be limited so as to minimize vapor loss.

Detectable vapor loss shall be determined visually, by touch, by presence of odor, or using a portable hydrocarbon analyzer. When an analyzer is used, detectable vapor loss means a VOC concentration exceeding 10,000 ppm. Testing and monitoring shall be conducted as in section VIII.C.3.

Monitoring: Detectable vapor loss shall be determined using one of the methods described above, at least semi-annually. Records of the monitoring method and results shall be maintained for Division inspection upon request.

- 1.4.2 Tanks S003, S005, and S006 are subject to Section III.B – Transfer (excluding Petroleum liquids):

Except as otherwise provided in this regulation, all volatile organic compounds transferred to any tank, container, or vehicle compartment with a capacity exceeding 212 liters (56 gallons), shall be transferred using submerged or bottom filling equipment. For top loading, the fill tube shall reach within six inches of the bottom of the tank compartment. For bottom-fill operations, the inlet shall be flush with the tank bottom.

This requirement is met based on the design and construction of the tanks.

- 1.4.3 Tanks S009-S013 are subject to Section V - Storage and Transfer of Petroleum Liquid:

With the exception of tanks storing diesel fuels 1-D, 2-, 4-D and fuel oils 1, 2, 3, 4 and 5, and gas turbine fuels 1-GT through 4-GT, tanks used for storage of petroleum liquids must either have floating roof, or must be equipped with a vapor gathering and control system as stated in Regulation 7, Section VI.B.

- 1.4.4 This facility shall comply with all, operation and maintenance requirements, as well as the recordkeeping requirements listed in Section VI.B and VI.C.

- 1.5 Tanks S009 and S010 are subject to 40 CFR 60 Subpart K (Regulation No. 6, Part A, Subpart K incorporated by reference). Tanks S011 - S013 are subject to 40 CFR 60 Subpart Ka (Regulation No. 6, Part A, Subpart Ka incorporated by reference). Specifically the tanks are subject to the following requirements:

- 1.5.1 For tanks subject to Subpart K, petroleum liquids must be stored as set forth in § 60.112.

- 1.5.2 For tanks subject to Subpart K, monitoring operations shall be performed as set forth in § 60.113.

- 1.5.3 For tanks subject to Subpart Ka that contain a petroleum liquid which, as stored, has a

true vapor pressure equal to or greater than 10.3 kPa (1.5 psia) but not greater than 76.6 kPa (11.1 psia) the source shall equip the storage vessel as set forth in § 60.112a(a).

- 1.5.4 For tanks subject to Subpart Ka that contain a petroleum liquid which, as stored, has a true vapor pressure greater than 76.6 kPa (11.1 psia), the source shall equip the storage vessel as set forth in § 60.112a(b).
- 1.5.5 For tanks subject to Subpart Ka, testing and procedure methods shall be performed in accordance with the requirements in § 60.113a.
- 1.5.6 For tanks subject to Subpart Ka, the source shall keep Reporting and Recordkeeping Requirements identified in § 60.115a.
- 1.6 The facility is subject to the General Provisions of 40 CFR 60, Subpart A (Regulation No. 6, Part A, General Provisions).
 - 1.6.1 No article, machine, equipment or process shall be used to conceal an emissions which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gasses discharged to the atmosphere (§60.12).
 - 1.6.2 Records of startups, shutdowns, and malfunctions shall be maintained, as required under (§60.7).
- 1.7 Tanks S009 – S0013 are subject to the requirements of 40 CFR Part 63 Subpart BBBBBB as described in Condition 5 of this section.
- 1.8 This unit is subject to the Colorado Regulation No. 2 Odor Requirements (Colorado Construction Permit 96AD132). All odor complaints shall be recorded and made available to the Division upon request. The source shall employ such measures and operating procedures as necessary to minimize odor emissions.
- 1.9 All equipment shall be operated and maintained in accordance with manufacturer's recommendations and good engineering practices at all times, including periods of start-up, shutdown and malfunction. The recommendations shall be in written form, and shall be maintained for Division inspection upon request.

2. S001/S014 - Two (2) Storage Tanks - Vented to VCU

Parameter	Permit Condition Number	Facility Wide Limitations Short Term Long Term		Compliance Emission Factor	Monitoring Method Interval	
VOC	2.1		146.5 tons/yr	0.0002921 lb/gallon (35mg/L) –for VCU	Recordkeeping and Calculations	Monthly
HAPs		<8 tons/yr (any one HAP) <20 tons/yr (total HAPs)		Based on Vapor Fractions From Tanks Version 4.0 or Higher		
NO _x			6 tons/yr	0.00003338 lb/gal (4 mg/l) –for VCU		
CO			15.1 tons/yr	0.00008344 lb/gal (10 mg/l) –for VCU		
Gasoline Throughput	2.2		306,600,000 gallons/yr	Fuel Meter	Recordkeeping and Calculations	Monthly
Fuel Oil Throughput			306,600,000 gallons/yr			
Oxygenate Throughput			54,100,000 gallons/yr			
Tank Content Specifications	2.3	Vapor Pressure Restrictions			Recordkeeping	At All Times
General Storage and Transfer Requirements	2.4				As required in Regulation 7, Part VI	
VCU Operation	2.5	Flame Must Be Present At All Times			Recordkeeping	As Noted
Opacity	2.6	Less Than or Equal to 30%			EPA Reference Method 22	As Noted
		No Visible Emissions				
NESHAP Subpart BBBBBB – S001	2.7	See Condition 5			As required in NESHAP Subpart BBBBBB	
Odor	2.8	As specified in Colorado Regulation No. 2, Part A			Recordkeeping and Work Practices	As Noted
Run-Time Hours	2.9				Recordkeeping	Monthly

S015 - Tank Truck Loading Rack - Vented to VCU (600 gpm per arm)

Parameter	Permit Condition Number	Facility Wide Limitations Short Term Long Term		Compliance Emission Factor	Monitoring Method Interval	
VOC	2.1		146.5 tons/yr	0.0002921 lb/gallon (35mg/L) –for VCU	Recordkeeping and Calculations	Monthly
HAPs		<8 tons/yr (any one HAP) <20 tons/yr (total HAPs)		Based on Vapor Fractions From Tanks Version 4.0 or Higher		
NO _x			6 tons/yr	0.00003338 lb/gal (4 mg/l) –for VCU		
CO			15.1 tons/yr	0.00008344 lb/gal (10 mg/l) –for VCU		
Gasoline Throughput	2.2		306,600,000 gallons/yr	Fuel Meter	Recordkeeping and Calculations	Monthly
Fuel Oil Throughput			306,600,000 gallons/yr			
Oxygenate Throughput			54,100,000 gallons/yr			
General Storage and Transfer Requirements	2.4				As required in Regulation 7, Part VI	
VCU Operation	2.5	Flame Must Be Present At All Times			Recordkeeping	Daily
Opacity	2.6	Less Than or Equal to 30%			EPA Reference Method 22	Daily, during manned days
		No Visible Emissions				
NESHAP Subpart BBBBBB	2.7	See Condition 6			As required in NESHAP Subpart BBBBBB	
Odor	2.8	As specified in Colorado Regulation No. 2, Part A			Recordkeeping and Work Practices	As Noted
Compliance Assurance Monitoring	2.10					

- 2.1 Facility wide emissions of air pollutants shall not exceed the limitations above (Colorado Construction permit 96AD132). Monthly emissions of each air pollutant shall be calculated using the following equations: (These emissions shall be added to all other facility emissions to compare with the facility limits).

Tanks Emissions: Emissions for these tanks are routed to the VCU.

Loading Rack w/VCU:

VCU NO_x and CO Emissions (tons/month) = EF (lb/gallon) x Throughput (gallons of gasoline and/or oxygenates/month) x 1/2000 (ton/lb)

VOC Emissions (tons/month) = EF (lb/gallon) x Throughput (gallons/month) x 1/2000 (ton/lb)

Each HAP Emissions (tons/month) = EF(lb/gallon) x Throughput (gallons/month) x 1/2000 (ton/lb) (Note: EF = Vapor Mass Fraction (Each HAP) x VOC EF)

Total HAP Emissions (tons/month) = EF(lb/gallon) x Throughput (gallons/month) x 1/2000 (ton/lb) (Note: EF = Total Vapor Mass Fraction of All HAP x VOC EF)

A twelve month rolling total of facility emissions shall be maintained to monitor compliance with the facility wide annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data. Emissions shall be calculated by the end of each subsequent month. If the twelve month rolling total emissions for total HAPs are less than 8 tons/year, the permittee is not required to estimate twelve month rolling emissions for individual HAPs for that rolling twelve month period. Records of calculations shall be maintained for Division inspection upon request.

2.2 Throughput of each fuel shall not exceed the limitations above (Colorado Construction permit 96AD132).

2.2.1 Throughput to the tank truck loading rack for each fuel shall be measured and recorded each month. A twelve month rolling total shall be maintained to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data. Records of throughput shall be maintained for Division inspection upon request.

2.2.2 Fuel throughput for each tank shall be determined by multiplying the height difference measured with the cross-sectional area of each tank, respectively. Monthly throughput shall be added to the rack throughput to determine emissions for Condition 2.1. Records of throughput shall be maintained for Division inspection upon request.

2.3 Petroleum liquids other than those permitted may be stored/transferred provided that the vapor pressures are lower than those liquids permitted and that they do not contain hazardous air pollutants by weight percent (single or total) greater than those liquids permitted unless approved by the Division and the appropriate APENs are filed. All petroleum liquids other than those permitted must have information regarding vapor pressure and HAP constituents prior to storage or transfer. Such information shall be kept on site and made available to the Division upon

request.

2.3.1 No liquids or petroleum products with a vapor pressure higher than gasoline (10.0 psia @ 70°F) shall be stored in Tanks S001 or S014.

2.3.2 Tank S014 shall be used only as a “pipeline relief” tank.

2.4 This facility is subject to Regulation No. 7 – Control of Ozone Via Ozone Precursors as follows:

2.4.1 All tanks are subject to Section III.A – Maintenance and Operation of Storage Tanks and Related Equipment:

All storage tank gauging devices, anti-rotation devices, accesses, seals, hatches, roof drainage systems, support structures, and pressure relief valves shall be maintained and operated to prevent detectable vapor loss except when opened, actuated, or used for necessary and proper activities (e.g. maintenance). Such opening, actuation, or use shall be limited so as to minimize vapor loss.

Detectable vapor loss shall be determined visually, by touch, by presence of odor, or using a portable hydrocarbon analyzer. When an analyzer is used, detectable vapor loss means a VOC concentration exceeding 10,000 ppm. Testing and monitoring shall be conducted as in section VIII.C.3.

Monitoring: Detectable vapor loss shall be determined using one of the methods described above, at least semi-annually. Records of the monitoring method and results shall be maintained for Division inspection upon request.

2.4.2 The facility is subject to Regulation No. 7 – Control of Ozone Via Ozone Precursors, Section VI.C.2 - Storage and Transfer of Petroleum Liquid, as follows:

The owner or operator of a terminal subject to VI.C.2 shall equip the terminal with proper loading equipment and shall follow the loading procedures listed in VI.C.2.b, including following all control procedures to prevent leaks as specified in Regulation No. 7, XV.

2.5 The loading rack shall not dispense gasoline if the lifter roof on Tank S001 is at its capacity (ie. The lifter roof is at high level) and a flame is not present in the VCU. A device must be installed and maintained to indicate the presence of a flame (e.g. fire eye). Record of operation of the VCU shall be maintained as set forth in Condition 2.10, and made available for inspection.

2.6 Visible emissions shall not exceed thirty percent (30%) opacity for a period or periods aggregating more than six minutes in any sixty consecutive minutes (Colorado Regulation No. 1,

Section II.A.5). Compliance with the opacity standards shall be monitored by conducting a visible emission observation daily, during manned hours, when gases are routed to the VCU. If visible emissions are observed, the permittee shall investigate the VCU performance and make any repairs or adjustments necessary. A daily log shall be kept of the observations and any action taken as a result and such log shall be made available to the Division upon request. The log shall also note those days in which a visible emission observation was not made and the reason for no observation (e.g., facility unmanned). If, after maintenance has been performed, visible emissions persist for longer than one hour, an EPA Reference Method 9 opacity observation shall be performed to determine compliance with the opacity standard.

Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of these opacity limitations shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.

All Method 9 opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certification shall be made available to the Division upon request.

- 2.7 Tank S001 and the tank truck loading rack (S015) are subject to the requirements of 40 CFR Part 63 Subpart BBBBBB as described in Condition 5 of this section.
- 2.8 This unit is subject to the Colorado Regulation No. 2 Odor Requirements (Colorado Construction Permit 96AD132). All odor complaints shall be recorded and made available to the Division upon request. The source shall employ such measures and operating procedures as necessary to minimize odor emissions.
- 2.9 All equipment including the VCU shall be operated and maintained in accordance with manufacturer's recommendations and good engineering practices at all times, including periods of start-up, shutdown and malfunction. The recommendations shall be in written form, and shall be made available for Division inspection upon request.
- 2.10 The Compliance Assurance Monitoring (CAM) requirements in 40 CFR Part 64, as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV, apply to the tank truck loading rack (S015) with respect to the VOC and HAP limitations identified in Conditions 2.1 and 2.4 as follows:
 - 2.10.1 The permittee shall install, calibrate, certify, operate and maintain, according to manufacturer's specifications, a continuous monitoring system as follows: a heat sensing device, such as an ultraviolet beam sensor or a thermocouple, shall be installed in

proximity to the pilot light to indicate the presence of a flame when the VCU is required to operate as described in the CAM plan provided in Appendix G as well as Condition 5.7.1. Excursions, for purposes of CAM, shall be any event when the VCU is required to operate, but monitoring indicates the pilot flame is not present. Excursions shall be reported as required by Section IV, Conditions 21 and 22.d of this permit.

2.10.2 Operation of Approved Monitoring

2.10.2.1 At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment (40 CFR Part 64 § 64.7(b), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

2.10.2.2 Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of these CAM requirements, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions (40 CFR Part 64 § 64.7(c), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

2.10.2.3 Response to excursions or exceedances

- a. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or

exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable (40 CFR Part 64 § 64.7(d)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

- b. Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process (40 CFR Part 64 § 64.7(d)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

- 2.10.2.4 After approval of the monitoring required under the CAM requirements, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the Division and, if necessary submit a proposed modification for this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters (40 CFR Part 64 § 64.7(e), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

2.10.3 Quality Improvement Plan (QIP) Requirements

- 2.10.3.1 Based on the results of a determination made under the provisions of Condition 2.10.2.3.b, the Division may require the owner or operator to develop and implement a QIP (40 CFR Part 64 § 64.8(a), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

- 2.10.3.2 The owner or operator shall maintain a written QIP, if required, and have it available for inspection (40 CFR Part 64 § 64.8(b)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 2.10.3.3 The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:
- a. Improved preventative maintenance practices (40 CFR Part 64 § 64.8(b)(2)(i), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - b. Process operation changes (40 CFR Part 64 § 64.8(b)(2)(ii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - c. Appropriate improvements to control methods (40 CFR Part 64 § 64.8(b)(2)(iii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - d. Other steps appropriate to correct control performance (40 CFR Part 64 § 64.8(b)(2)(iv), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - e. More frequent or improved monitoring (only in conjunction with one or more steps under Conditions 2.10.3.3.a through d above) (40 CFR Part 64 § 64.8(b)(2)(v), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 2.10.3.4 If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the Division if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined (40 CFR Part 64 § 64.8(c), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 2.10.3.5 Following implementation of a QIP, upon any subsequent determination pursuant to Condition 2.10.2.3.b, the Division or the U.S. EPA may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

- a. Failed to address the cause of the control device performance problems (40 CFR Part 64 § 64.8(d)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV); or
- b. Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions (40 CFR Part 64 § 64.8(d)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

2.10.3.6 Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the federal clean air act (40 CFR Part 64 § 64.8(e), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

2.10.4 Reporting and Recordkeeping Requirements

2.10.4.1 Reporting Requirements: The reports required by Section IV, Condition 22.d, shall contain the information specified in Appendix B of the permit and the following information, as applicable:

- a. Summary information on the number, duration and cause (including unknown cause, if applicable), for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable) ((40 CFR Part 64 § 64.9(a)(2)(ii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV); and
- b. The owner or operator shall submit, if necessary, a description of the actions taken to implement a QIP during the reporting period as specified in Condition 2.10.3 of this permit. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring (40 CFR Part 64 § 64.9(a)(2)(iii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

2.10.4.2 General Recordkeeping Requirements: In addition to the recordkeeping requirements in Section IV, Condition 22.a through c.

- a. The owner or operator shall maintain records of any written QIP required pursuant to Condition 2.10.3 and any activities undertaken to implement a QIP, and any supporting information required to be maintained under these CAM requirements (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions) (40 CFR Part 64 § 64.9(b)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- b. Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements (40 CFR Part 64 § 64.9(b)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

2.10.5 Savings Provisions

- 2.10.5.1 Nothing in these CAM requirements shall excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the federal clean air act. These CAM requirements shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purposes of determining the monitoring to be imposed under separate authority under the federal clean air act, including monitoring in permits issued pursuant to title I of the federal clean air act. The purpose of the CAM requirements is to require, as part of the issuance of this Title V operating permit, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of CAM (40 CFR Part 64 § 64.10(a)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 2.10.5.2 Nothing in these CAM requirements shall restrict or abrogate the authority of the U.S. EPA or the Division to impose additional or more stringent monitoring, recordkeeping, testing or reporting requirements on any owner or operator of a source under any provision of the federal clean air act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable (40 CFR Part 64 § 64.10(a)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

- 2.10.5.3 Nothing in these CAM requirements shall restrict or abrogate the authority of the U.S. EPA or the Division to take any enforcement action under the federal clean air act for any violation of an applicable requirement or of any person to take action under section 304 of the federal clean air act (40 CFR Part 64 § 64.10(a)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

3. S016 - Railcar Loading/Unloading Rack (1,100 gpm per arm)

Parameter	Permit Condition Number	Facility Wide Limitations		Compliance Emission Factor	Monitoring	
		Short Term	Long Term		Method	Interval
VOC	3.1		146.5 tons/yr	0.0000164 lb/gallons	Recordkeeping and Calculations	Monthly
HAPs		<8 tons/yr (any one HAP) <20 tons/yr (total HAPs)		Based on Vapor Fractions From Tanks Version 4.0 or Higher		
Fuel Oil Throughput	3.2		306,600,000 gallons/yr	Fuel Meter	Recordkeeping and Calculations	Monthly
Odor	3.3	As specified in Colorado Regulation No. 2, Part A			Recordkeeping and Work Practices	As Noted

- 3.1 Facility wide emissions of air pollutants shall not exceed the limitations above (Colorado Construction permit 96AD132). Monthly emissions of each air pollutant shall be calculated using the following equations: (These emissions shall be added to all other facility emissions).

VOC Emissions (tons/month) = EF (lb/gallon) x Throughput (gallons/month) x 1/2000 (ton/lb)

Each HAP Emissions (tons/month) = EF(lb/gallon) x Throughput (gallons/month) x 1/2000 (ton/lb) (Note: EF = Vapor Mass Fraction (Each HAP) x VOC EF)

Total HAP Emissions (tons/month) = EF(lb/gallon) x Throughput (gallons/month) x 1/2000 (ton/lb) (Note: EF = Total Vapor Mass Fraction of All HAP x VOC EF)

A twelve month rolling total of facility emissions shall be maintained to monitor compliance with the facility wide annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data. Emissions shall be calculated by the end of each subsequent month. If the twelve month rolling total emissions for total HAPs are less than 8 tons/year, the permittee is not required to estimate twelve month rolling emissions for individual HAPs for that rolling twelve month period. Records of calculations shall be maintained for Division inspection upon request.

- 3.2 Throughput of distillate fuel oil shall not exceed the limitations above (Colorado Construction permit 96AD132). Throughput to the rail car loading/unloading rack shall be measured and recorded each month and added to fuel oil throughput to the tank truck loading rack. A twelve month rolling total shall be maintained to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data. Records of throughput shall be maintained for Division inspection upon request.

Petroleum liquids other than those permitted may be stored/transferred provided that the vapor

pressures are lower than those liquids permitted and that they do not contain hazardous air pollutants by weight percent (single or total) greater than those liquids permitted unless approved by the Division and the appropriate APENs are filed. All petroleum liquids other than those permitted must have information on site regarding vapor pressure and HAP constituents prior to storage or transfer. Such information shall be kept on site and made available to the Division upon request.

- 3.3 This unit is subject to the Colorado Regulation No. 2 Odor Requirements (Colorado Construction Permit 96AD132). All odor complaints shall be recorded and made available to the Division upon request. The source shall employ such measures and operating procedures as necessary to minimize odor emissions.
- 3.4 All equipment shall be operated and maintained in accordance with manufacturer's recommendations at all times, including periods of start-up, shutdown and malfunction. The recommendations shall be in written form, and shall be made available for Division inspection upon request.

4. S017 - Fugitive VOC Emissions

Parameter	Permit Condition Number	Facility Wide Limitations		Compliance Emission Factor	Monitoring	
		Short Term	Long Term		Method	Interval
VOC	4.1		146.5 tons/yr	By Component Type – EPA’s Protocol for Equipment Leaks	Recordkeeping	Annually
HAPs		<8 tons/yr (any one HAP) <20 tons/yr (total HAPs)				
NESHAP Subpart BBBBBB – S001	4.2	See Condition 5			As required in NESHAP Subpart BBBBBB	

- 4.1 VOC and HAP emissions from equipment leaks shall not exceed the limitations stated above (Colorado Construction Permit 96AD132). Emissions shall be calculated using the emission factors and equations listed below, and added to all other facility emissions. A physical component count shall be conducted at least once every five (5) years to verify existing components and inventory. A running total shall be kept of all additions and subtractions to the component count. The most recent count shall be used for compliance purposes. Records of the emissions calculation and component count shall be maintained for Division inspection upon request.

Emission Factors for individual types of components in lbs/component-hr (Protocol for Equipment Leak Emission Estimates, EPA-453/R-95-017, Table 2-3).

For light liquids:

Valves = 9.48E-05
Pumps = 1.19E-03
Flanges = 1.76E-05
Other = 2.87E-04
For gas:
Valves = 2.87E-04
Pumps = 1.43E-04
Flanges = 9.26E-05
Other = 2.64E-04

Emissions of VOC per component:

No. of Components x EF (lbs/component-hr) x 8760 hrs/yr

Emissions of HAPs for each HAP:

VOC emissions (tpy) x individual HAP mass fraction (mass HAP/mass vapor)

Emissions of Total HAPs:

VOC emissions (tpy) x total HAP mass fraction (mass HAP/mass vapor)

4.1.1 A physical component count shall be conducted at least once every five (5) years to verify existing components and inventory. A running total shall be kept of all additions and subtractions to the component count. The most recent count shall be used for compliance purposes. Records of the count shall be maintained for Division inspection upon request.

4.2 This facility is subject to the requirements of 40 CFR Part 63 Subpart BBBBBB as described in Condition 5 of this section.

5. NESHAP Subpart BBBBBB

This facility is subject to the requirements of 40 CFR Part 63 Subpart BBBBBB – National Emissions Standards for Hazardous Air Pollutant for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The emission units to which this subpart applies are gasoline storage tanks and gasoline loading racks. Note that as of the date of revised permit issuance, August 1, 2011, the requirements in 40 CFR Part 63 Subpart BBBBBB have not been adopted into Colorado Regulation No. 8, Part E by the Division and are therefore not state-enforceable. In the event that the Division adopts these requirements, these requirements will become both state and federally enforceable.

5.1 Gasoline must only be loaded into storage tanks and cargo tanks at the facility by utilizing submerged filling. Submerged fill pipes must be no more than 12 inches from the bottom of the tank. (Reference §63.11086(a)(1))

- 5.2 Gasoline storage tanks (S001, S009 – S0013) must meet each emission limit and management practice that follows: (Reference §63.11087(a), Table 1)
 - 5.2.1 Reduce emissions of total organic HAP or TOC by 95 weight-percent with a closed vent system and control device as specified in §60.112b(a)(3); or
 - 5.2.2 Equip each internal floating roof gasoline storage tank (S009 and S010) according to the requirements in §60.112b(a)(1) of this chapter, except for the secondary seal requirements under §60.112b(a)(1)(ii)(B) and the requirements in §60.112b(a)(1)(iv) through (ix); and
 - 5.2.3 Equip each external floating roof gasoline storage tank (S011, S012 and S013) according to the requirements in §60.112b(a)(2), except that the requirements of §60.112b(a)(2)(ii) shall only be required if such storage tank does not currently meet the requirements of §60.112b(a)(2)(i); or
 - 5.2.4 Equip and operate each internal and external floating roof gasoline storage tank (S009 – S013) according to the applicable requirements in §63.1063(a)(1) and (b), and equip each external floating roof gasoline storage tank according to the requirements of §63.1063(a)(2) if such storage tank does not currently meet the requirements of §63.1063(a)(1).
- 5.3 Storage vessels equipped with floating roofs and not meeting the requirements of Condition 5.2 of this section must be in compliance at the first degassing and cleaning activity, or by January 10, 2018, whichever is first. (Reference §63.11087(b))
- 5.4 Gasoline loading racks (S015) must meet each emission limit and management practice that follows: (Reference §63.11088(a))
 - 5.4.1 Equip your loading rack(s) with a vapor collection system designed to collect the total organic compounds (TOC) vapors displaced from cargo tanks during product loading; and
 - 5.4.2 Reduce emissions of TOC to less than or equal to 80 mg/l of gasoline loaded into gasoline cargo tanks at the loading rack; and
 - 5.4.3 Design and operate the vapor collection system to prevent any TOC vapors collected at one loading rack from passing to another loading rack; and
 - 5.4.4 Limit the loading of gasoline into gasoline cargo tanks that are vapor tight using the procedures specified in §60.502(e) through (j). For the purposes of this section, the term

“tank truck” as used in §60.502(e) through (j) means “cargo tank” as defined in §63.11100.

- 5.5 Monthly leak inspections of all equipment in gasoline service must be performed according to the following requirements: (Reference §63.11086(c))
 - 5.5.1 Perform a monthly leak inspection of all equipment in gasoline service, as defined in §63.11100. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. (Reference §63.11089(a))
 - 5.5.2 A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log book shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility. (Reference §63.11089(b))
 - 5.5.3 Each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in Condition 5.5.2.4. (Reference §63.11089(c))
 - 5.5.4 Delay of repair of leaking equipment will be allowed if the repair is not feasible within 15 days. Provide in the semiannual report specified in §63.11095(b), the reason(s) why the repair was not feasible and the date each repair was completed. (Reference §63.11089(d))
- 5.6 Gasoline must not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following: (Reference §63.11086(d))
 - 5.6.1 Minimize gasoline spills;
 - 5.6.2 Clean up spills as expeditiously as practicable;
 - 5.6.3 Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and
 - 5.6.4 Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
- 5.7 For the tank truck loading rack, conduct a performance test on the vapor processing and collection system using the test methods and procedures in §60.503 of this chapter, except a

reading of 500 parts per million shall be used to determine the level of leaks to be repaired under §60.503(b) of this chapter.

5.7.1 For each performance test conducted, determine a monitored operating parameter value for the vapor processing system using the procedures specified below: (Reference §63.11092(b))

5.7.1.1 Install, calibrate, certify, operate, and maintain, according to the manufacturer's specifications, a continuous monitoring system (CMS) while gasoline vapors are displaced to the vapor processor systems specified in §63.11092(b)(1)(iii). During the performance test, continuously record the operating parameter as specified below: (Reference: §63.11092(b)(1))

- a. The presence of a thermal oxidation system pilot flame shall be monitored using a heat-sensing device, such as an ultraviolet beam sensor or a thermocouple, installed in proximity to the pilot light to indicate the presence of a flame.
- b. Develop and submit to the Administrator a monitoring and inspection plan that describes the owner or operator's approach for meeting the requirements below (Reference §63.11092(b)(1)(iii)(B)(2))
 - (i) The thermal oxidation system shall be equipped to automatically prevent gasoline loading operations from beginning at any time that the pilot flame is absent.
 - (ii) Verify, during each day of operation of the loading rack, the proper operation of the assist-air blower, the vapor line valve, and the emergency shutdown system. Verification shall be through visual observation or through an automated alarm or shutdown system that monitors and records system operation.
 - (iii) Perform semi-annual preventive maintenance inspections of the thermal oxidation system according to the recommendations of the manufacturer of the system.
 - (iv) The monitoring plan developed under Condition 5.7.1.1.b shall specify conditions that would be considered malfunctions of the thermal oxidation system during the inspections or automated monitoring performed under Conditions 5.7.1.1.b.ii and 5.7.1.1.b.iii, describe specific corrective actions that will be taken

to correct any malfunction, and define what the owner or operator would consider to be a timely repair for each potential malfunction.

- (v) Document any system malfunction, as defined in the monitoring and inspection plan, and any activation of the automated alarm or shutdown system with a written entry into a log book or other permanent form of record. Such record shall also include a description of the corrective action taken and whether such corrective actions were taken in a timely manner, as defined in the monitoring and inspection plan, as well as an estimate of the amount of gasoline loaded during the period of the malfunction.

5.7.1.2 Determine an operating parameter value based on the parameter data monitored during the performance test, supplemented by engineering assessments and the manufacturer's recommendations. (Reference §63.11092(b)(3))

5.7.1.3 Provide for the rationale for the selected operating parameter value, monitoring frequency, and averaging time, including data and calculations used to develop the value and a description of why the value, monitoring frequency, and averaging time demonstrate continuous compliance with the emission standard in §63.11088(a). (Reference §63.11092(b)(4))

5.7.2 For performance tests performed after the initial test required under Condition 5.7, document the reasons for any change in the operating parameter value since the previous performance test. (Reference §63.11092(c))

5.7.3 Operate the vapor processing system in a manner not to exceed or not to go below, as appropriate, the operating parameter value for the parameters described in Condition 5.7.1.1. (Reference §63.11092(d)(1))

5.7.4 Operation of the vapor processing system in a manner exceeding or going below the operating parameter value, as appropriate, shall constitute a violation of the emission standard in §63.11088(a), except as specified in Condition 5.7.5. (Reference §63.11092(d)(3))

5.7.5 For the monitoring and inspection, as required under Condition 5.7.1.1.b, malfunctions that are discovered shall not constitute a violation of the emission standard in §63.11088(a) if corrective actions as described in §63.11092(d)(4) are followed.

- 5.8 Gasoline storage tanks shall comply with the testing and monitoring requirements specified in §63.11092: (Reference §63.11087(c))
 - 5.8.1 For gasoline storage tanks equipped with a closed vent system and control device, conduct a performance test and determine a monitored operating parameter value in accordance with the requirements in §63.11092(a) through (d), except that the applicable level of control specified in §63.11092(a)(2) shall be a 95-percent reduction in inlet total organic compounds (TOC) levels rather than 80 mg/l of gasoline loaded. (Reference §63.11092(e)(3))
 - 5.8.2 For internal floating roof gasoline storage tanks, perform inspections of the floating roof system according to the requirements of §60.113b(a) for tanks complying with Condition 5.2.2, or according to the requirements of §63.1063(c)(1) for tanks complying with Condition 5.2.4. (Reference §63.11092(e)(1))
 - 5.8.3 For external floating roof gasoline storage tanks, perform inspections of the floating roof system according to the requirements of §60.113b(b) for tanks complying with Condition 5.2.3, or according to the requirements of §63.1063(c)(2) for tanks complying with Condition 5.2.4. (Reference §63.11092(e)(2))
- 5.9 The annual certification test for gasoline cargo tanks shall consist of the test methods specified in §63.11092(f)(1) or (f)(2). (Reference §63.11092(e)(3))
- 5.10 Submit a Notification of Compliance Status as specified in §63.9(h). The Notification of Compliance Status must specify which of the compliance options in Condition 5.2 is used to comply with Subpart BBBBBB. (Reference §63.11093(b))
- 5.11 Submit additional notifications specified in §63.9, as applicable. (Reference §63.11093(d))
- 5.12 Keep applicable records and submit reports as specified in §63.11094(a) through (f).
 - 5.12.1 Gasoline storage tanks complying with Condition 5.2.1, 5.2.2, or 5.2.3, keep records as specified in §60.115b, except records shall be kept for at least 5 years. For tanks complying with the requirements of Condition 5.2.4, keep records as specified in §63.1065. (Reference §63.11094(a))
- 5.13 Semiannual compliance reports and excess emissions reports must be submitted in accordance with §63.11095. These reports can be submitted concurrently with the Title V semi-annual monitoring reports.
- 5.14 The applicable General Provisions are listed in Table 3 of Subpart BBBBBB.

SECTION III - Permit Shield

Regulation No. 3, 5 CCR 1001-5, Part C, §§ I.A.4, V.D. & XIII.B; § 25-7-114.4(3)(a), C.R.S.

1. Specific Non-Applicable Requirements

Based upon the information available to the Division and supplied by the applicant, The following parameters and requirements have been specifically identified as non-applicable to the facility to which this permit has been issued. This shield does not protect the source from any violations that occurred prior to or at the time of permit issuance. In addition, this shield does not protect the source from any violations that occur as a result of any modification or reconstruction on which construction commenced prior to permit issuance.

Emission Unit	Applicable Requirement	Justification
EU-1 Tank 1	Regulation No. 6, Part A, Subparts K, Ka, and Kb (40 CFR 60, Subparts K, Ka, and Kb) – New Source Performance Standards for VOL and Petroleum Liquid Storage	This tank was an existing source as of the applicability dates of these NSPS.
EU-9 Tank 9 and EU-10 Tank 10	Regulation No. 6, Part A, Subparts Ka and Kb (40 CFR 60, Subparts Ka and Kb) – New Source Performance Standards for VOL and Petroleum Liquid Storage	These tanks were existing sources as of the applicability dates of these NSPS.
EU-11 Tank 11, EU-12 Tank 12, EU-13 Tank 13	Regulation No. 6, Part A, Subpart Kb (40 CFR 60, Subpart Kb) – New Source Performance Standards for Petroleum Liquid Storage	These tanks were existing sources as of the applicability date of this NSPS.
Facility	Regulation No. 6, Part A, Subpart XX (40 CFR 60, Subpart XX) - New Source Performance Standards (NSPS) for Bulk Gasoline Terminals	This facility was an existing source as of the December 17, 1980 applicability date of this NSPS.
Additive Storage and Blending System (Insignificant Activity)	Regulation No. 7, Part VI.B.3	This unit is exempt from this requirement because additives are stored in tanks less than 40,000 gallon capacity and their true vapor pressure is less than 1.5 psia.
Facility	Gas Distribution MACT (40 CFR 63 Subpart R)	This facility was issued a synthetic minor permit for HAPs (May 28, 1997) to qualify as an area source before the compliance date of December 15, 1997. Therefore, this source is not subject to the Gasoline Distribution MACT.

2. General Conditions

Compliance with this Operating Permit shall be deemed in compliance with all applicable requirements specifically identified in the permit and other requirements specifically identified in the permit as not applicable to the source. This permit shield shall not alter or affect the following:

- 2.1 The provisions of §§ 25-7-112 and 25-7-113, C.R.S., or § 303 of the federal act, concerning enforcement in cases of emergency;
- 2.2 The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- 2.3 The applicable requirements of the federal Acid Rain Program, consistent with § 408(a) of the federal act;
- 2.4 The ability of the Air Pollution Control Division to obtain information from a source pursuant to § 25-7-111(2)(I), C.R.S., or the ability of the Administrator to obtain information pursuant to § 114 of the federal act;
- 2.5 The ability of the Air Pollution Control Division to reopen the Operating Permit for cause pursuant to Regulation No. 3, Part C, § XIII.
- 2.6 Sources are not shielded from terms and conditions that become applicable to the source subsequent to permit issuance.

3. Streamlined Conditions

The following applicable requirements have been subsumed within this operating permit using the pertinent streamlining procedures approved by the U.S. EPA. For purposes of the permit shield, compliance with the listed permit conditions will also serve as a compliance demonstration for purposes of the associated subsumed requirements.

No conditions have been streamlined.

SECTION IV - General Permit Conditions

Version 11/16/2010

1. Administrative Changes

Regulation No. 3, 5 CCR 1001-5, Part A, § III.

The permittee shall submit an application for an administrative permit amendment to the Division for those permit changes that are described in Regulation No. 3, Part A, § I.B.1. The permittee may immediately make the change upon submission of the application to the Division.

2. Certification Requirements

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.9., V.C.16.a.& e. and V.C.17.

- a. Any application, report, document and compliance certification submitted to the Air Pollution Control Division pursuant to Regulation No. 3 or the Operating Permit shall contain a certification by a responsible official of the truth, accuracy and completeness of such form, report or certification stating that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- b. All compliance certifications for terms and conditions in the Operating Permit shall be submitted to the Air Pollution Control Division at least annually unless a more frequent period is specified in the applicable requirement or by the Division in the Operating Permit.
- c. Compliance certifications shall contain:
 - (i) the identification of each permit term and condition that is the basis of the certification;
 - (ii) the compliance status of the source;
 - (iii) whether compliance was continuous or intermittent;
 - (iv) method(s) used for determining the compliance status of the source, currently and over the reporting period; and
 - (v) such other facts as the Air Pollution Control Division may require to determine the compliance status of the source.
- d. All compliance certifications shall be submitted to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit.
- e. If the permittee is required to develop and register a risk management plan pursuant to § 112(r) of the federal act, the permittee shall certify its compliance with that requirement; the Operating Permit shall not incorporate the contents of the risk management plan as a permit term or condition.

3. Common Provisions

Common Provisions Regulation, 5 CCR 1001-2 §§ II.A., II.B., II.C., II.E., II.F., II.I, and II.J

a. To Control Emissions Leaving Colorado

When emissions generated from sources in Colorado cross the State boundary line, such emissions shall not cause the air quality standards of the receiving State to be exceeded, provided reciprocal action is taken by the receiving State.

b. Emission Monitoring Requirements

The Division may require owners or operators of stationary air pollution sources to install, maintain, and use instrumentation to monitor and record emission data as a basis for periodic reports to the Division.

c. Performance Testing

The owner or operator of any air pollution source shall, upon request of the Division, conduct performance test(s) and furnish the Division a written report of the results of such test(s) in order to determine compliance with applicable emission control regulations. Performance test(s) shall be conducted and the data reduced in accordance with the applicable reference test methods unless the Division:

- (i) specifies or approves, in specific cases, the use of a test method with minor changes in methodology;
- (ii) approves the use of an equivalent method;
- (iii) approves the use of an alternative method the results of which the Division has determined to be adequate for indicating where a specific source is in compliance; or
- (iv) waives the requirement for performance test(s) because the owner or operator of a source has demonstrated by other means to the Division's satisfaction that the affected facility is in compliance with the standard. Nothing in this paragraph shall be construed to abrogate the Commission's or Division's authority to require testing under the Colorado Revised Statutes, Title 25, Article 7, and pursuant to regulations promulgated by the Commission.

Compliance test(s) shall be conducted under such conditions as the Division shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Division such records as may be necessary to determine the conditions of the performance test(s). Operations during period of startup, shutdown, and malfunction shall not constitute representative conditions of performance test(s) unless otherwise specified in the applicable standard.

The owner or operator of an affected facility shall provide the Division thirty days prior notice of the performance test to afford the Division the opportunity to have an observer present. The Division may waive the thirty day notice requirement provided that arrangements satisfactory to the Division are made for earlier testing.

The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- (i) Sampling ports adequate for test methods applicable to such facility;

- (ii) Safe sampling platform(s);
- (iii) Safe access to sampling platform(s); and
- (iv) Utilities for sampling and testing equipment.

Each performance test shall consist of at least three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard the arithmetic mean of results of at least three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Division's approval, be determined using the arithmetic mean of the results of the two other runs.

Nothing in this section shall abrogate the Division's authority to conduct its own performance test(s) if so warranted.

d. Affirmative Defense Provision for Excess Emissions during Malfunctions

Note that until such time as the U.S. EPA approves this provision into the Colorado State Implementation Plan (SIP), it shall be enforceable only by the State.

An affirmative defense to a claim of violation under these regulations is provided to owners and operators for civil penalty actions for excess emissions during periods of malfunction. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of evidence that:

- (i) The excess emissions were caused by a sudden, unavoidable breakdown of equipment, or a sudden, unavoidable failure of a process to operate in the normal or usual manner, beyond the reasonable control of the owner or operator;
- (ii) The excess emissions did not stem from any activity or event that could have reasonably been foreseen and avoided, or planned for, and could not have been avoided by better operation and maintenance practices;
- (iii) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded;
- (iv) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;
- (v) All reasonably possible steps were taken to minimize the impact of the excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence;
- (viii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

- (ix) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This section is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement; and
- (x) During the period of excess emissions, there were no exceedances of the relevant ambient air quality standards established in the Commissions' Regulations that could be attributed to the emitting source.

The owner or operator of the facility experiencing excess emissions during a malfunction shall notify the division verbally as soon as possible, but no later than noon of the Division's next working day, and shall submit written notification following the initial occurrence of the excess emissions by the end of the source's next reporting period. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to failures to meet federally promulgated performance standards or emission limits, including, but not limited to, new source performance standards and national emission standards for hazardous air pollutants. The affirmative defense provision does not apply to state implementation plan (sip) limits or permit limits that have been set taking into account potential emissions during malfunctions, including, but not necessarily limited to, certain limits with 30-day or longer averaging times, limits that indicate they apply during malfunctions, and limits that indicate they apply at all times or without exception.

e. Circumvention Clause

A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of air pollutants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of this regulation. No person shall circumvent this regulation by using more openings than is considered normal practice by the industry or activity in question.

f. Compliance Certifications

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in the Colorado State Implementation Plan, nothing in the Colorado State Implementation Plan shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. Evidence that has the effect of making any relevant standard or permit term more stringent shall not be credible for proving a violation of the standard or permit term.

When compliance or non-compliance is demonstrated by a test or procedure provided by permit or other applicable requirement, the owner or operator shall be presumed to be in compliance or non-compliance unless other relevant credible evidence overcomes that presumption.

g. Affirmative Defense Provision for Excess Emissions During Startup and Shutdown

An affirmative defense is provided to owners and operators for civil penalty actions for excess emissions during periods of startup and shutdown. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of the evidence that:

- (i) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and

could not have been prevented through careful planning and design;

- (ii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance;
- (iii) If the excess emissions were caused by a bypass (an intentional diversion of control equipment), then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (iv) The frequency and duration of operation in startup and shutdown periods were minimized to the maximum extent practicable;
- (v) All possible steps were taken to minimize the impact of excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence; and,
- (viii) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This subparagraph is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement.

The owner or operator of the facility experiencing excess emissions during startup and shutdown shall notify the Division verbally as soon as possible, but no later than two (2) hours after the start of the next working day, and shall submit written quarterly notification following the initial occurrence of the excess emissions. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to State Implementation Plan provisions or other requirements that derive from new source performance standards or national emissions standards for hazardous air pollutants, any other federally enforceable performance standard or emission limit with an averaging time greater than twenty-four hours. In addition, an affirmative defense cannot be used by a single source or small group of sources where the excess emissions have the potential to cause an exceedance of the ambient air quality standards or Prevention of Significant Deterioration (PSD) increments.

In making any determination whether a source established an affirmative defense, the Division shall consider the information within the notification required above and any other information the Division deems necessary, which may include, but is not limited to, physical inspection of the facility and review of documentation pertaining to the maintenance and operation of process and air pollution control equipment

4. Compliance Requirements

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.C.9., V.C.11. & 16.d., and § 25-7-122.1(2), C.R.S.

- a. The permittee must comply with all conditions of the Operating Permit. Any permit noncompliance relating to federally-enforceable terms or conditions constitutes a violation of the federal act, as well as the state act and Regulation No. 3. Any permit noncompliance relating to state-only terms or conditions constitutes a violation of the state act and Regulation No. 3, shall be enforceable pursuant to state law, and shall not be enforceable by citizens under § 304 of the federal act. Any such violation of the federal act, the state act or regulations implementing either statute is grounds for enforcement action, for permit termination, revocation and reissuance or modification or for denial of a permit renewal application.
- b. It shall not be a defense for a permittee in an enforcement action or a consideration in favor of a permittee in a permit termination, revocation or modification action or action denying a permit renewal application that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- c. The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of any request by the permittee for a permit modification, revocation and reissuance, or termination, or any notification of planned changes or anticipated noncompliance does not stay any permit condition, except as provided in §§ X. and XI. of Regulation No. 3, Part C.
- d. The permittee shall furnish to the Air Pollution Control Division, within a reasonable time as specified by the Division, any information that the Division may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Division copies of records required to be kept by the permittee, including information claimed to be confidential. Any information subject to a claim of confidentiality shall be specifically identified and submitted separately from information not subject to the claim.
- e. Any schedule for compliance for applicable requirements with which the source is not in compliance at the time of permit issuance shall be supplemental, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- f. For any compliance schedule for applicable requirements with which the source is not in compliance at the time of permit issuance, the permittee shall submit, at least every 6 months unless a more frequent period is specified in the applicable requirement or by the Air Pollution Control Division, progress reports which contain the following:
 - (i) dates for achieving the activities, milestones, or compliance required in the schedule for compliance, and dates when such activities, milestones, or compliance were achieved; and
 - (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- g. The permittee shall not knowingly falsify, tamper with, or render inaccurate any monitoring device or method required to be maintained or followed under the terms and conditions of the Operating Permit.

5. Emergency Provisions

Regulation No. 3, 5 CCR 1001-5, Part C, § VII.

An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed the technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. "Emergency" does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. An emergency constitutes an affirmative defense to an enforcement action brought for noncompliance with a technology-based emission limitation if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. the permitted facility was at the time being properly operated;
- c. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. the permittee submitted oral notice of the emergency to the Air Pollution Control Division no later than noon of the next working day following the emergency, and followed by written notice within one month of the time when emissions limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

This emergency provision is in addition to any emergency or upset provision contained in any applicable requirement.

6. Emission Standards for Asbestos

Regulation No. 8, 5 CCR 1001-10, Part B

The permittee shall not conduct any asbestos abatement activities except in accordance with the provisions of Regulation No. 8, Part B, "asbestos control."

7. Emissions Trading, Marketable Permits, Economic Incentives

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.13.

No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are specifically provided for in the permit.

8. Fee Payment

C.R.S. §§ 25-7-114.1(6) and 25-7-114.7

- a. The permittee shall pay an annual emissions fee in accordance with the provisions of C.R.S. § 25-7-114.7. A 1% per month late payment fee shall be assessed against any invoice amounts not paid in full on the 91st day after the date of invoice, unless a permittee has filed a timely protest to the invoice amount.
- b. The permittee shall pay a permit processing fee in accordance with the provisions of C.R.S. § 25-7-114.7. If the

Division estimates that processing of the permit will take more than 30 hours, it will notify the permittee of its estimate of what the actual charges may be prior to commencing any work exceeding the 30 hour limit.

- c. The permittee shall pay an APEN fee in accordance with the provisions of C.R.S. § 25-7-114.1(6) for each APEN or revised APEN filed.

9. Fugitive Particulate Emissions

Regulation No. 1, 5 CCR 1001-3, § III.D.1.

The permittee shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere, in accordance with the provisions of Regulation No. 1, § III.D.1.

10. Inspection and Entry

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.16.b.

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Air Pollution Control Division, or any authorized representative, to perform the following:

- a. enter upon the permittee's premises where an Operating Permit source is located, or emissions-related activity is conducted, or where records must be kept under the terms of the permit;
- b. have access to, and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the Operating Permit; and
- d. sample or monitor at reasonable times, for the purposes of assuring compliance with the Operating Permit or applicable requirements, any substances or parameters.

11. Minor Permit Modifications

Regulation No. 3, 5 CCR 1001-5, Part C, §§ X. & XI.

The permittee shall submit an application for a minor permit modification before making the change requested in the application. The permit shield shall not extend to minor permit modifications.

12. New Source Review

Regulation No. 3, 5 CCR 1001-5, Part B

The permittee shall not commence construction or modification of a source required to be reviewed under the New Source Review provisions of Regulation No. 3, Part B, without first receiving a construction permit.

13. No Property Rights Conveyed

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.11.d.

This permit does not convey any property rights of any sort, or any exclusive privilege.

14. Odor

Regulation No. 2, 5 CCR 1001-4, Part A

As a matter of state law only, the permittee shall comply with the provisions of Regulation No. 2 concerning odorous emissions.

15. Off-Permit Changes to the Source

Regulation No. 3, 5 CCR 1001-5, Part C, § XII.B.

The permittee shall record any off-permit change to the source that causes the emissions of a regulated pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from the change, including any other data necessary to show compliance with applicable ambient air quality standards. The permittee shall provide contemporaneous notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permit shall not apply to any off-permit change.

16. Opacity

Regulation No. 1, 5 CCR 1001-3, §§ I., II.

The permittee shall comply with the opacity emissions limitation set forth in Regulation No. 1, §§ I.-II.

17. Open Burning

Regulation No. 9, 5 CCR 1001-11

The permittee shall obtain a permit from the Division for any regulated open burning activities in accordance with provisions of Regulation No. 9.

18. Ozone Depleting Compounds

Regulation No. 15, 5 CCR 1001-17

The permittee shall comply with the provisions of Regulation No. 15 concerning emissions of ozone depleting compounds. Sections I., II.C., II.D., III. IV., and V. of Regulation No. 15 shall be enforced as a matter of state law only.

19. Permit Expiration and Renewal

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.6., IV.C., V.C.2.

- a. The permit term shall be five (5) years. The permit shall expire at the end of its term. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application is submitted.
- b. Applications for renewal shall be submitted at least twelve months, but not more than 18 months, prior to the expiration of the Operating Permit. An application for permit renewal may address only those portions of the permit that require revision, supplementing, or deletion, incorporating the remaining permit terms by reference from the previous permit. A copy of any materials incorporated by reference must be included with the application.

20. Portable Sources

Regulation No. 3, 5 CCR 1001-5, Part C, § II.D.

Portable Source permittees shall notify the Air Pollution Control Division at least 10 days in advance of each change in location.

21. Prompt Deviation Reporting

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.7.b.

The permittee shall promptly report any deviation from permit requirements, including those attributable to malfunction conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

“Prompt” is defined as follows:

- a. Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
- b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report shall be made within 24 hours of the occurrence;
 - (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report shall be made within 48 hours; and
 - (iii) For all other deviations from permit requirements, the report shall be submitted every six (6) months, except as otherwise specified by the Division in the permit in accordance with paragraph 22.d. below.
- c. If any of the conditions in paragraphs b.i or b.ii above are met, the source shall notify the Division by telephone (303-692-3155) or facsimile (303-782-0278) based on the timetables listed above. *[Explanatory note: Notification by telephone or facsimile must specify that this notification is a deviation report for an Operating Permit.]* A written notice, certified consistent with General Condition 2.a. above (Certification Requirements), shall be submitted within 10 working days of the occurrence. All deviations reported under this section shall also be identified in the 6-month report required above.

“Prompt reporting” does not constitute an exception to the requirements of "Emergency Provisions" for the purpose of avoiding enforcement actions.

22. Record Keeping and Reporting Requirements

Regulation No. 3, 5 CCR 1001-5, Part A, § II.; Part C, §§ V.C.6., V.C.7.

- a. Unless otherwise provided in the source specific conditions of this Operating Permit, the permittee shall maintain compliance monitoring records that include the following information:

- (i) date, place as defined in the Operating Permit, and time of sampling or measurements;
 - (ii) date(s) on which analyses were performed;
 - (iii) the company or entity that performed the analysis;
 - (iv) the analytical techniques or methods used;
 - (v) the results of such analysis; and
 - (vi) the operating conditions at the time of sampling or measurement.
- b. The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Support information, for this purpose, includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Operating Permit. With prior approval of the Air Pollution Control Division, the permittee may maintain any of the above records in a computerized form.
- c. Permittees must retain records of all required monitoring data and support information for the most recent twelve (12) month period, as well as compliance certifications for the past five (5) years on-site at all times. A permittee shall make available for the Air Pollution Control Division's review all other records of required monitoring data and support information required to be retained by the permittee upon 48 hours advance notice by the Division.
- d. The permittee shall submit to the Air Pollution Control Division all reports of any required monitoring at least every six (6) months, unless an applicable requirement, the compliance assurance monitoring rule, or the Division requires submission on a more frequent basis. All instances of deviations from any permit requirements must be clearly identified in such reports.
- e. The permittee shall file an Air Pollutant Emissions Notice ("APEN") prior to constructing, modifying, or altering any facility, process, activity which constitutes a stationary source from which air pollutants are or are to be emitted, unless such source is exempt from the APEN filing requirements of Regulation No. 3, Part A, § II.D. A revised APEN shall be filed annually whenever a significant change in emissions, as defined in Regulation No. 3, Part A, § II.C.2., occurs; whenever there is a change in owner or operator of any facility, process, or activity; whenever new control equipment is installed; whenever a different type of control equipment replaces an existing type of control equipment; whenever a permit limitation must be modified; or before the APEN expires. An APEN is valid for a period of five years. The five-year period recommences when a revised APEN is received by the Air Pollution Control Division. Revised APENs shall be submitted no later than 30 days before the five-year term expires. Permittees submitting revised APENs to inform the Division of a change in actual emission rates must do so by April 30 of the following year. Where a permit revision is required, the revised APEN must be filed along with a request for permit revision. APENs for changes in control equipment must be submitted before the change occurs. Annual fees are based on the most recent APEN on file with the Division.

23. Reopenings for Cause

Regulation No. 3, 5 CCR 1001-5, Part C, § XIII.

- a. The Air Pollution Control Division shall reopen, revise, and reissue Operating Permits; permit reopenings and reissuance shall be processed using the procedures set forth in Regulation No. 3, Part C, § III., except that proceedings to reopen and reissue permits affect only those parts of the permit for which cause to reopen exists.

- b. The Division shall reopen a permit whenever additional applicable requirements become applicable to a major source with a remaining permit term of three or more years, unless the effective date of the requirements is later than the date on which the permit expires, or unless a general permit is obtained to address the new requirements; whenever additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program; whenever the Division determines the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or whenever the Division determines that the permit must be revised or revoked to assure compliance with an applicable requirement.
- c. The Division shall provide 30 days' advance notice to the permittee of its intent to reopen the permit, except that a shorter notice may be provided in the case of an emergency.
- d. The permit shield shall extend to those parts of the permit that have been changed pursuant to the reopening and reissuance procedure.

24. Section 502(b)(10) Changes

Regulation No. 3, 5 CCR 1001-5, Part C, § XII.A.

The permittee shall provide a minimum 7-day advance notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permittee shall attach a copy of each such notice given to its Operating Permit.

25. Severability Clause

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.10.

In the event of a challenge to any portion of the permit, all emissions limits, specific and general conditions, monitoring, record keeping and reporting requirements of the permit, except those being challenged, remain valid and enforceable.

26. Significant Permit Modifications

Regulation No. 3, 5 CCR 1001-5, Part C, § III.B.2.

The permittee shall not make a significant modification required to be reviewed under Regulation No. 3, Part B ("Construction Permit" requirements) without first receiving a construction permit. The permittee shall submit a complete Operating Permit application or application for an Operating Permit revision for any new or modified source within twelve months of commencing operation, to the address listed in Item 1 in Appendix D of this permit. If the permittee chooses to use the "Combined Construction/Operating Permit" application procedures of Regulation No. 3, Part C, then the Operating Permit must be received prior to commencing construction of the new or modified source.

27. Special Provisions Concerning the Acid Rain Program

Regulation No. 3, 5 CCR 1001-5, Part C, §§ V.C.1.b. & 8

- a. Where an applicable requirement of the federal act is more stringent than an applicable requirement of regulations promulgated under Title IV of the federal act, 40 Code of Federal Regulations (CFR) Part 72, both provisions shall be incorporated into the permit and shall be federally enforceable.
- b. Emissions exceeding any allowances that the source lawfully holds under Title IV of the federal act or the

regulations promulgated thereunder, 40 CFR Part 72, are expressly prohibited.

28. Transfer or Assignment of Ownership

Regulation No. 3, 5 CCR 1001-5, Part C, § II.C.

No transfer or assignment of ownership of the Operating Permit source will be effective unless the prospective owner or operator applies to the Air Pollution Control Division on Division-supplied Administrative Permit Amendment forms, for reissuance of the existing Operating Permit. No administrative permit shall be complete until a written agreement containing a specific date for transfer of permit, responsibility, coverage, and liability between the permittee and the prospective owner or operator has been submitted to the Division.

29. Volatile Organic Compounds

Regulation No. 7, 5 CCR 1001-9, §§ III & V.

The requirements in paragraphs a, b and e apply to sources located in an ozone non-attainment area or the Denver 1-hour ozone attainment/maintenance area. The requirements in paragraphs c and d apply statewide.

- a. All storage tank gauging devices, anti-rotation devices, accesses, seals, hatches, roof drainage systems, support structures, and pressure relief valves shall be maintained and operated to prevent detectable vapor loss except when opened, actuated, or used for necessary and proper activities (e.g. maintenance). Such opening, actuation, or use shall be limited so as to minimize vapor loss.

Detectable vapor loss shall be determined visually, by touch, by presence of odor, or using a portable hydrocarbon analyzer. When an analyzer is used, detectable vapor loss means a VOC concentration exceeding 10,000 ppm. Testing shall be conducted as in Regulation No. 7, Section VIII.C.3.

- b. Except when otherwise provided by Regulation No. 7, all volatile organic compounds, excluding petroleum liquids, transferred to any tank, container, or vehicle compartment with a capacity exceeding 212 liters (56 gallons), shall be transferred using submerged or bottom filling equipment. For top loading, the fill tube shall reach within six inches of the bottom of the tank compartment. For bottom-fill operations, the inlet shall be flush with the tank bottom.
- c. The permittee shall not dispose of volatile organic compounds by evaporation or spillage unless Reasonably Available Control Technology (RACT) is utilized.
- d. No owner or operator of a bulk gasoline terminal, bulk gasoline plant, or gasoline dispensing facility as defined in Colorado Regulation No. 7, Section VI, shall permit gasoline to be intentionally spilled, discarded in sewers, stored in open containers, or disposed of in any other manner that would result in evaporation.
- e. Beer production and associated beer container storage and transfer operations involving volatile organic compounds with a true vapor pressure of less than 1.5 PSIA actual conditions are exempt from the provisions of paragraph b, above.

30. Wood Stoves and Wood burning Appliances

Regulation No. 4, 5 CCR 1001-6

The permittee shall comply with the provisions of Regulation No. 4 concerning the advertisement, sale, installation, and use of wood stoves and wood burning appliances.

OPERATING PERMIT APPENDICES

- A - INSPECTION INFORMATION
- B - COMPLIANCE MONITORING REPORT FORMAT
- C - COMPLIANCE CERTIFICATION REPORT FORMAT
- D - NOTIFICATION ADDRESSES
- E - PERMIT ACRONYMS
- F - PERMIT MODIFICATIONS
- G - CONTINUOUS ASSURANCE MONITORING PLAN

***DISCLAIMER:**

None of the information found in these Appendices shall be considered to be State or Federally enforceable, except as otherwise provided in the permit, and is presented to assist the source, permitting authority, inspectors, and citizens.

APPENDIX A - Inspection Information

Directions to Plant:

The Denver Products Terminal is located at 8581 E. 96th Avenue, in Henderson.

Safety Equipment Required:

No specific requirements.

Facility Plot Plan:

Figure 1 (following page) shows the plot plan as submitted on October 1, 2002 with the source's Title V Operating Permit Renewal Application.

List of Insignificant Activities:

The following list of insignificant activities was provided by the source to assist in the understanding of the facility layout. Since there is no requirement to update such a list, activities may have changed since the last filing.

Insignificant activities and/or sources of emissions as submitted in the application are as follows:

Noncommercial (in-house) experimental and analytical laboratory equipment which is bench scale in nature including quality control/quality assurance laboratories, process support laboratories, environmental laboratories supporting a manufacturing or industrial facility, and research and development laboratories.

Disturbance of surface areas for purposes of land development, which do not exceed 25 contiguous acres and which do not exceed six months in duration. (This does not include mining operations or disturbance of contaminated soil.)

Each individual piece of fuel burning equipment, other than smokehouse generators and internal combustion engines, which uses gaseous fuel, and which has a design rate less than or equal to 5 million Btu per hour.

Chemical storage tanks or containers that hold less than 500 gallons, and which have a daily throughput less than 25 gallons.

Landscaping and site housekeeping devices equal to or less than 10 HP in size (lawnmowers, trimmers,

snow blowers, etc.).

Chemical storage areas where chemicals are stored in closed containers, and where total storage capacity does not exceed 5000 gallons. This exemption applies solely to storage of such chemicals. This exemption does not apply to transfer of chemicals from, to, or between such containers.

Storage of butane, propane, or liquefied petroleum gas in a vessel with a capacity of less than 60,000 gallons, provided the requirements of Regulation No. 7, Section IV are met, where applicable.

Storage tanks of capacity < 40,000 gallons of lubricating oils.

Venting of compressed natural gas, butane or propane gas cylinders, with a capacity of 1 gallon or less.

Storage tanks meeting all of the following criteria:

- (i) annual throughput is less than 400,00 gallons; and
- (ii) the liquid is one of the following:
 - (A) diesel fuels 1-D, 2-D or 4-D;
 - (B) fuel oils #1 through #6;
 - (C.) gas turbine fuels 1-GT through 4-GT;
 - (D) an oil/water mixture with a vapor pressure lower than that of diesel fuel (Reid vapor pressure of 0.025 PSIA).

Each individual piece of fuel burning equipment which uses gaseous fuel, and which has a design rate less than or equal to 10 million Btu per hour, and which is solely for heating buildings for personal comfort.

Stationary Internal Combustion Engines which:

- (i) power portable drilling rigs; or
- (ii) are emergency power generators which have a rated horsepower of less than 260 or; operate no more than 250 hours per year and have a rated horsepower of less than 737; or operate no more than 100 hours per year and have a rated horsepower of less than 1840; or
- (iii) have actual emissions less than five tons per year or rated horsepower of less than 50.

Specific activities identified in the application:

Fire training equipment:

- Discharging fire extinguishers
- Filling fire extinguishers
- Fires for ERT training
- Fires for fire extinguisher training

Laboratory equipment:

Analytical Equipment
Hood vents
Release of hydrocarbon from sample bombs

Maintenance - Equipment and Piping:

Line/Pipe maintenance
Valve maintenance
Hot taps
Opening lines/pipes to blind/unblind
Pump maintenance
Rotating equipment lubrication system
Steam Purges

Maintenance - Instrumentation:

Bleed from flow measurement dP lines
Opening lines for inspection of orifice plates
Zero/Span/Cal of flow measurement lines

Maintenance - Miscellaneous:

Cleaning/Changing filters/coalescers
Opening vessels
Operation of Machining Tools
Painting
Parts cleaning
Roofing
Sand blasting
Vacuum truck operations
Welding

Maintenance - Storage Tanks:

Cleaning
Opening
Painting
Sand blasting
Steam purging

Storage Tanks:

Tank # 15 – 6,000 gallon storage of off-specification hydrocarbon mixtures

Miscellaneous:

Food preparation
Lawn and plant care
Office activities

Mobile Sources:

Fueling vehicles
Vehicle cleaning

Vehicle exhaust
Vehicle maintenance
Vehicle traffic

Operations - Hydrocarbon:

Hydrocarbon spills
Relief valves
Sampling
Storage tank roof drains

Operations - Miscellaneous:

Backup fuel fired pumps/compressors/machines
Bench top tests performed by operations
Chemical injection systems
Portable fuel fired Pumps/Compressors/Machines
Product transport via pipeline to neighboring facility
Process Chemical Transfers
Steam vents and steam leaks
Support material loading/unloading/screening
Vacuum truck operations

Remediation Activities:

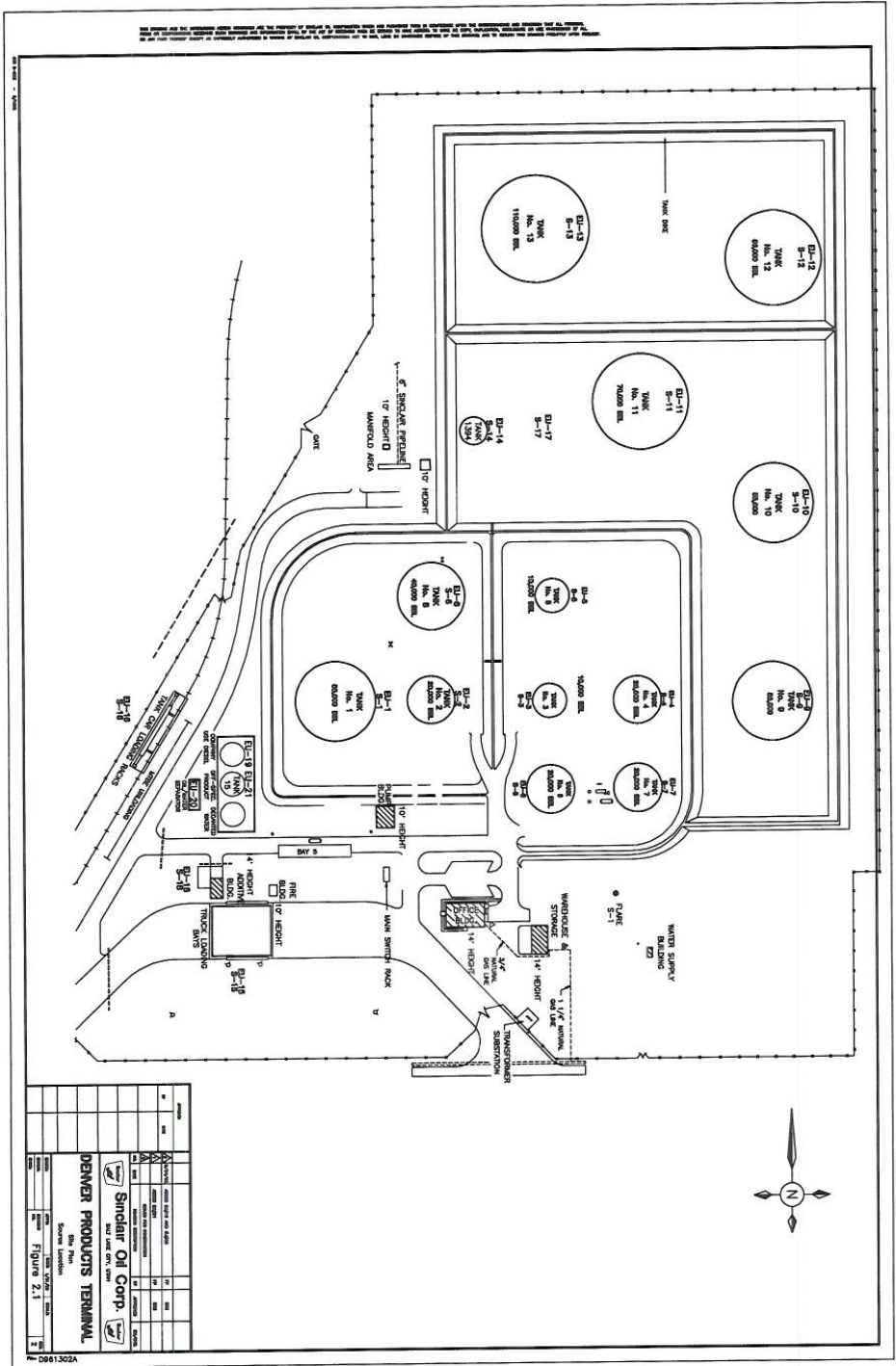
Hydrocarbon recovery
Well drilling

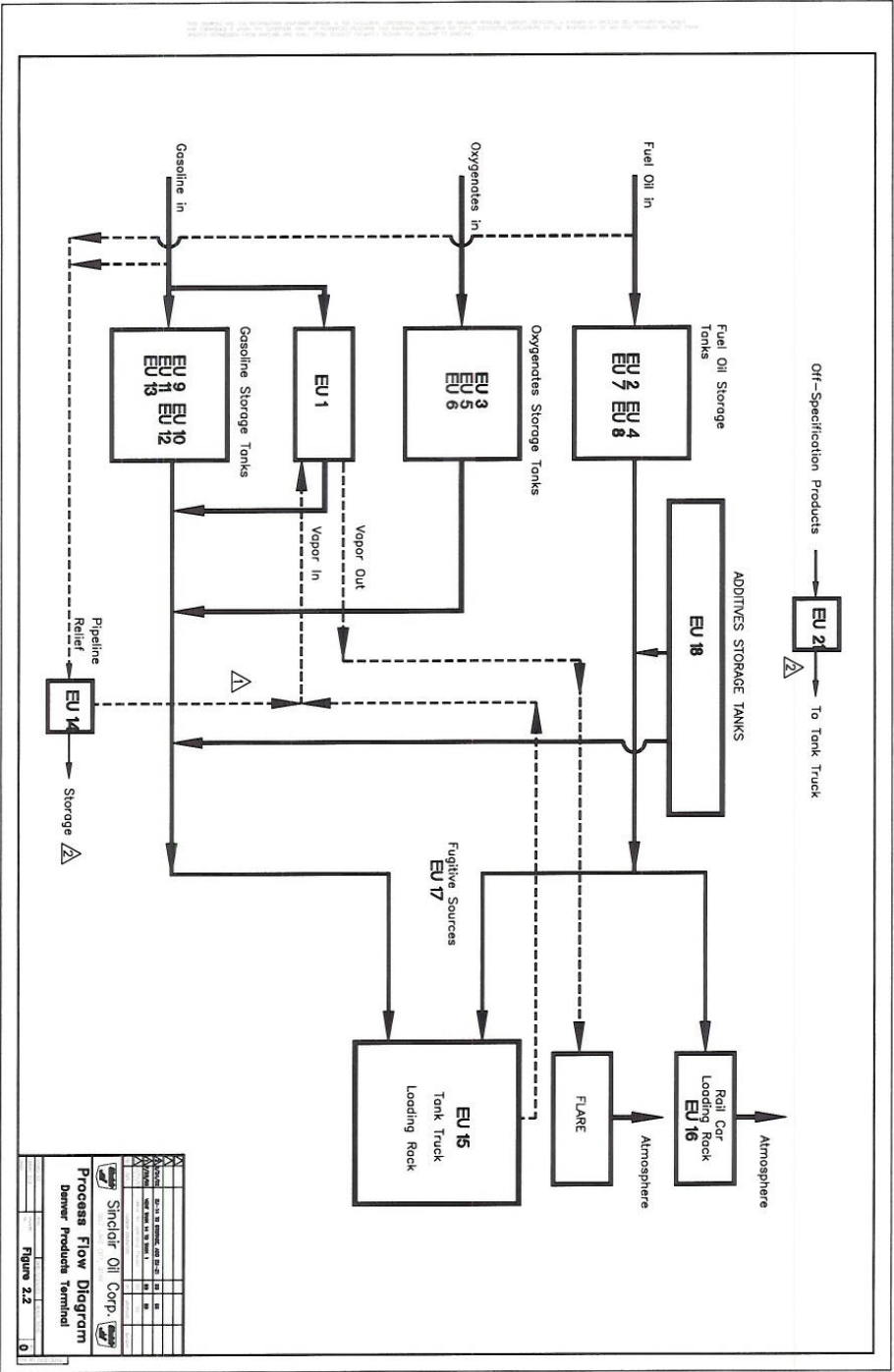
Sump:

Spill/stormwater drainage to sump/API Separator

Hydrocarbon Liquid Storage:

Company use diesel fuel storage
Off-specification product storage (from oil/water separator)





APPENDIX B
Reporting Requirements and Definitions
with codes ver 2/20/07

Please note that, pursuant to 113(c)(2) of the federal Clean Air Act, any person who knowingly:

- (A) makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals, or fails to file or maintain any notice, application, record, report, plan, or other document required pursuant to the Act to be either filed or maintained (whether with respect to the requirements imposed by the Administrator or by a State);
- (B) fails to notify or report as required under the Act; or
- (C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under the Act shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than 2 years, or both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

The permittee must comply with all conditions of this operating permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

The Part 70 Operating Permit program requires three types of reports to be filed for all permits. All required reports must be certified by a responsible official.

Report #1: Monitoring Deviation Report (due at least every six months)

For purposes of this operating permit, the Division is requiring that the monitoring reports are due every six months unless otherwise noted in the permit. All instances of deviations from permit monitoring requirements must be clearly identified in such reports.

For purposes of this operating permit, monitoring means any condition determined by observation, by data from any monitoring protocol, or by any other monitoring which is required by the permit as well as the recordkeeping associated with that monitoring. This would include, for example, fuel use or process rate monitoring, fuel analyses, and operational or control device parameter monitoring.

Report #2: Permit Deviation Report (must be reported “promptly”)

In addition to the monitoring requirements set forth in the permits as discussed above, each and every requirement of the permit is subject to deviation reporting. The reports must address deviations from permit

requirements, including those attributable to malfunctions as defined in this Appendix, the probable cause of such deviations, and any corrective actions or preventive measures taken. All deviations from any term or condition of the permit are required to be summarized or referenced in the annual compliance certification.

For purposes of this operating permit, “malfunction” shall refer to both emergency conditions and malfunctions. Additional discussion on these conditions is provided later in this Appendix.

For purposes of this operating permit, the Division is requiring that the permit deviation reports are due as set forth in General Condition 21. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. For example, quarterly Excess Emission Reports required by an NSPS or Regulation No. 1, Section IV.

In addition to the monitoring deviations discussed above, included in the meaning of deviation for the purposes of this operating permit are any of the following:

- (1) A situation where emissions exceed an emission limitation or standard contained in the permit;
- (2) A situation where process or control device parameter values demonstrate that an emission limitation or standard contained in the permit has not been met;
- (3) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or,
- (4) A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. (only if the emission point is subject to CAM)

For reporting purposes, the Division has combined the Monitoring Deviation Report with the Permit Deviation Report. All deviations shall be reported using the following codes:

- | | |
|-------------------------|--|
| 1 = Standard: | When the requirement is an emission limit or standard |
| 2 = Process: | When the requirement is a production/process limit |
| 3 = Monitor: | When the requirement is monitoring |
| 4 = Test: | When the requirement is testing |
| 5 = Maintenance: | When required maintenance is not performed |
| 6 = Record: | When the requirement is recordkeeping |
| 7 = Report: | When the requirement is reporting |
| 8 = CAM: | A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. |
| 9 = Other: | When the deviation is not covered by any of the above categories |

Report #3: Compliance Certification (annually, as defined in the permit)

Submission of compliance certifications with terms and conditions in the permit, including emission limitations, standards, or work practices, is required not less than annually.

Compliance Certifications are intended to state the compliance status of each requirement of the permit over the certification period. They must be based, at a minimum, on the testing and monitoring methods specified in the permit that were conducted during the relevant time period. In addition, if the owner or operator knows of other material information (i.e. information beyond required monitoring that has been specifically assessed in relation to how the information potentially affects compliance status), that information must be identified and addressed in the compliance certification. The compliance certification must include the following:

- The identification of each term or condition of the permit that is the basis of the certification;
- Whether or not the method(s) used by the owner or operator for determining the compliance status with each permit term and condition during the certification period was the method(s) specified in the permit. Such methods and other means shall include, at a minimum, the methods and means required in the permit. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Federal Clean Air Act, which prohibits knowingly making a false certification or omitting material information;
- The status of compliance with the terms and conditions of the permit, and whether compliance was continuous or intermittent. The certification shall identify each deviation and take it into account in the compliance certification. Note that not all deviations are considered violations.¹
- Such other facts as the Division may require, consistent with the applicable requirements to which the source is subject, to determine the compliance status of the source.

The Certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. (only for emission points subject to CAM)

Note the requirement that the certification shall identify each deviation and take it into account in the compliance certification. Previously submitted deviation reports, including the deviation report submitted at the time of the annual certification, may be referenced in the compliance certification.

¹ For example, given the various emissions limitations and monitoring requirements to which a source may be subject, a deviation from one requirement may not be a deviation under another requirement which recognizes an exception and/or special circumstances relating to that same event.

Startup, Shutdown, Malfunctions and Emergencies,

Understanding the application of Startup, Shutdown, Malfunctions and Emergency Provisions, is very important in both the deviation reports and the annual compliance certifications.

Startup, Shutdown, and Malfunctions

Please note that exceedances of some New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT) standards that occur during Startup, Shutdown or Malfunctions may not be considered to be non-compliance since emission limits or standards often do not apply unless specifically stated in the NSPS. Such exceedances must, however, be reported as excess emissions per the NSPS/MACT rules and would still be noted in the deviation report. In regard to compliance certifications, the permittee should be confident of the information related to those deviations when making compliance determinations since they are subject to Division review. The concepts of Startup, Shutdown and Malfunctions also exist for Best Available Control Technology (BACT) sources, but are not applied in the same fashion as for NSPS and MACT sources.

Emergency Provisions

Under the Emergency provisions of Part 70 certain operational conditions may act as an affirmative defense against enforcement action if they are properly reported.

DEFINITIONS

Malfunction (NSPS) means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Malfunction (SIP) means any sudden and unavoidable failure of air pollution control equipment or process equipment or unintended failure of a process to operate in a normal or usual manner. Failures that are primarily caused by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

Emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

APPENDIX B: Monitoring and Permit Deviation Report - Part I

- Following is the **required** format for the Monitoring and Permit Deviation report to be submitted to the Division as set forth in General Condition 21. The Table below must be completed for all equipment or processes for which specific Operating Permit terms exist.
- Part II of this Appendix B shows the format and information the Division will require for describing periods of monitoring and permit deviations, or malfunction or emergency conditions as indicated in the Table below. One Part II Form must be completed for each Deviation. Previously submitted reports (e.g. EER's or malfunctions) may be referenced and the form need not be filled out in its entirety.

FACILITY NAME: Sinclair Transportation Company – Denver Products Terminal

OPERATING PERMIT NO: 96OPAD172

REPORTING PERIOD:_____ (see first page of the permit for specific reporting period and dates)

Operating Permit Unit ID	Unit Description	Deviations noted During Period? ¹		Deviation Code ²	Upset/Emergency Condition Reported During Period?	
		YES	NO		YES	NO
S001	Lifter Roof Gasoline Storage Tank, 2,310,000 Gallon Capacity, Vented to a VCU (1963)					
S002	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity (1974)					
S003	Fixed Roof Ethanol Storage Tank, 420,000 Gallon Capacity (1963)					
S004	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity (1974)					
S005	Fixed Roof Ethanol Storage Tank, 420,000 Gallon Capacity (1963)					
S006	Fixed Roof Ethanol Storage Tank, 840,000 Gallon Capacity (1966)					
S007	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity (1974)					
S008	Fixed Roof Fuel Oil Storage Tank, 1,680,000 Gallon Capacity (1974)					
S009	Internal Floating Gasoline/Ethanol Roof Storage Tank, 2,310,000 Gallon Capacity (1974)					
S010	Internal Floating Gasoline Roof Storage Tank, 2,310,000 Gallon Capacity (1974)					
S011	External Floating Gasoline Roof Storage Tank, 2,940,000 Gallon Capacity (1978)					
S012	External Floating Gasoline Roof Storage Tank, 3,780,000 Gallon Capacity (1978)					

Operating Permit Number: 96OPAD172

FIRST ISSUED: 10/1/98

RENEWED: 8/1/11

Air Pollution Control Division
Colorado Operating Permit
Monitoring and Permit Deviation Report

Appendix B
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Operating Permit Unit ID	Unit Description	Deviations noted During Period? ¹		Deviation Code ²	Upset/Emergency Condition Reported During Period?	
		YES	NO		YES	NO
S013	External Floating Gasoline Roof Storage Tank, 4,620,000 Gallon Capacity (1982)					
S014	One (1) Fixed Roof Pipeline Overflow Storage Tank, 201,540 Gallon Capacity, Vented to a VCU (1963)					
S015	Tank Truck Loading Rack, Gasoline, Fuel Oil and Ethanol, 41,176 Gal/hr Capacity, Vented to a VCU (1963)					
S016	Railcar Fuel Oil Loading/Unloading Rack, 35,000 Gal/hr Capacity (1963)					
S017	Fugitive VOC Emissions (1963)					
General Conditions						
Insignificant Activities						

¹ See previous discussion regarding what is considered to be a deviation. Determination of whether or not a deviation has occurred shall be based on a reasonable inquiry using readily available information.

²Note the following entries, as appropriate

- 1 = Standard:** When the requirement is an emission limit or standard
- 2 = Process:** When the requirement is a production/process limit
- 3 = Monitor:** When the requirement is monitoring
- 4 = Test:** When the requirement is testing
- 5 = Maintenance:** When required maintenance is not performed
- 6 = Record:** When the requirement is recordkeeping
- 7 = Report:** When the requirement is reporting
- 8 = CAM:** A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred.
- 9 = Other:** When the deviation is not covered by any of the above categories

APPENDIX B: Monitoring and Permit Deviation Report - Part II

FACILITY NAME: Sinclair Transportation Company – Denver Products Terminal
OPERATING PERMIT NO: 96OPAD172
REPORTING PERIOD:

Is the deviation being claimed as an: Emergency _____ Upset _____ N/A
(For NSPS/MACT) Did the deviation occur during: Startup _____ Shutdown _____ Malfunction _____
Normal Operation _____

OPERATING PERMIT UNIT IDENTIFICATION:

Operating Permit Condition Number Citation

Explanation of Period of Deviation

Duration (start/stop date & time)

Action Taken to Correct the Problem

Measures Taken to Prevent a Reoccurrence of the Problem

Dates of Upsets/Emergencies Reported (if applicable)

Deviation Code _____ Division Code QA: _____

SEE EXAMPLE ON THE NEXT PAGE

EXAMPLE

FACILITY NAME: Acme Corp.
OPERATING PERMIT NO: 96OPZZXXX
REPORTING PERIOD: 1/1/04 - 6/30/06

Is the deviation being claimed as an: Emergency _____ Malfunction XX N/A
(For NSPS/MACT) Did the deviation occur during: Startup _____ Shutdown _____ Malfunction
Normal Operation _____

OPERATING PERMIT UNIT IDENTIFICATION:

Asphalt Plant with a Scrubber for Particulate Control - Unit XXX

Operating Permit Condition Number Citation

Section II, Condition 3.1 - Opacity Limitation

Explanation of Period of Deviation

Slurry Line Feed Plugged

Duration

START- 1730 4/10/06

END- 1800 4/10/06

Action Taken to Correct the Problem

Line Blown Out

Measures Taken to Prevent Reoccurrence of the Problem

Replaced Line Filter

Dates of Malfunction/Emergencies Reported (if applicable)

5/30/06 to A. Einstein, APCD

Deviation Code _____

Division Code QA: _____

APPENDIX B: Monitoring and Permit Deviation Report - Part III

REPORT CERTIFICATION

SOURCE NAME: Sinclair Transportation Company – Denver Products Terminal

FACILITY IDENTIFICATION NUMBER: 0010019

PERMIT NUMBER: 96OPAD172

REPORTING PERIOD:_____ (see first page of the permit for specific reporting period and dates)

All information for the Title V Semi-Annual Deviation Reports must be certified by a responsible official as defined in Colorado Regulation No. 3, Part A, Section I.B.38. This signed certification document must be packaged with the documents being submitted.

STATEMENT OF COMPLETENESS

I have reviewed the information being submitted in its entirety and, based on information and belief formed after reasonable inquiry, I certify that the statements and information contained in this submittal are true, accurate and complete.

Please note that the Colorado Statutes state that any person who knowingly, as defined in Sub-Section 18-1-501(6), C.R.S., makes any false material statement, representation, or certification in this document is guilty of a misdemeanor and may be punished in accordance with the provisions of Sub-Section 25-7 122.1, C.R.S.

Printed or Typed Name

Title

Signature of Responsible Official

Date Signed

Note: Deviation reports shall be submitted to the Division at the address given in Appendix D of this permit. No copies need be sent to the U.S. EPA.

Operating Permit Number: 96OPAD172

FIRST ISSUED: 10/1/98

RENEWED: 8/1/11

APPENDIX C
Required Format for Annual Compliance Certification Reports

Following is the format for the Compliance Certification report to be submitted to the Division and the U.S. EPA annually based on the effective date of the permit. The Table below must be completed for all equipment or processes for which specific Operating Permit terms exist.

FACILITY NAME: Sinclair Transportation Company – Denver Products Terminal
OPERATING PERMIT NO: 96OPAD172
REPORTING PERIOD:

I. Facility Status

___ During the entire reporting period, this source was in compliance with **ALL** terms and conditions contained in the Permit, each term and condition of which is identified and included by this reference. The method(s) used to determine compliance is/are the method(s) specified in the Permit.

___ With the possible exception of the deviations identified in the table below, this source was in compliance with all terms and conditions contained in the Permit, each term and condition of which is identified and included by this reference, during the entire reporting period. The method used to determine compliance for each term and condition is the method specified in the Permit, unless otherwise indicated and described in the deviation report(s). Note that not all deviations are considered violations.

Operating Permit Unit ID	Unit Description	Deviations Reported ¹		Monitoring Method per Permit? ²		Was compliance continuous or intermittent? ³		Was Data Continuous? ⁴	
		Previous	Current	YES	NO	Continuous	Intermittent	YES	NO
S001	Lifter Roof Gasoline Storage Tank, 2,310,000 Gallon Capacity, Vented to a VCU (1963)								
S002	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity (1974)								
S003	Fixed Roof Ethanol Storage Tank, 420,000 Gallon Capacity (1963)								
S004	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity (1974)								
S005	Fixed Roof Ethanol Storage Tank, 420,000 Gallon Capacity (1963)								
S006	Fixed Roof Ethanol Storage Tank, 840,000 Gallon Capacity (1966)								

Air Pollution Control Division
Colorado Operating Permit
Compliance Certification Report

Appendix C
Page 2

Operating Permit Unit ID	Unit Description	Deviations Reported ¹		Monitoring Method per Permit? ²		Was compliance continuous or intermittent? ³		Was Data Continuous? ⁴	
		Previous	Current	YES	NO	Continuous	Intermittent	YES	NO
S007	Fixed Roof Fuel Oil Storage Tank, 840,000 Gallon Capacity (1974)								
S008	Fixed Roof Fuel Oil Storage Tank, 1,680,000 Gallon Capacity (1974)								
S009	Internal Floating Gasoline/Ethanol Roof Storage Tank, 2,310,000 Gallon Capacity (1974)								
S010	Internal Floating Gasoline Roof Storage Tank, 2,310,000 Gallon Capacity (1974)								
S011	External Floating Gasoline Roof Storage Tank, 2,940,000 Gallon Capacity (1978)								
S012	External Floating Gasoline Roof Storage Tank, 3,780,000 Gallon Capacity (1978)								
S013	External Floating Gasoline Roof Storage Tank, 4,620,000 Gallon Capacity (1982)								
S014	One (1) Fixed Roof Pipeline Overflow Storage Tank, 201,540 Gallon Capacity, Vented to a VCU (1963)								
S015	Tank Truck Loading Rack, Gasoline, Fuel Oil and Ethanol, 41,176 Gal/hr Capacity, Vented to a VCU (1963)								
S016	Railcar Fuel Oil Loading/Unloading Rack, 35,000 Gal/hr Capacity (1963)								
S017	Fugitive VOC Emissions (1963)								
General Conditions									
Insignificant Activities ⁵									

¹ If deviations were noted in a previous deviation report, put an "X" under "previous". If deviations were noted in the current deviation report (i.e. for the last six months of the annual reporting period), put an "X" under "current". Mark both columns if both

apply.

² Note whether the method(s) used to determine the compliance status with each term and condition was the method(s) specified in the permit. If it was not, mark “no” and attach additional information/explanation.

³ Note whether the compliance status with of each term and condition provided was continuous or intermittent. “Intermittent Compliance” can mean either that noncompliance has occurred or that the owner or operator has data sufficient to certify compliance only on an intermittent basis. Certification of intermittent compliance therefore does not necessarily mean that any noncompliance has occurred.

NOTE:

The Periodic Monitoring requirements of the Operating Permit program rule are intended to provide assurance that even in the absence of a continuous system of monitoring the Title V source can demonstrate whether it has operated in continuous compliance for the duration of the reporting period. Therefore, if a source 1) conducts all of the monitoring and recordkeeping required in its permit, even if such activities are done periodically and not continuously, and if 2) such monitoring and recordkeeping does not indicate non-compliance, and if 3) the Responsible Official is not aware of any credible evidence that indicates non-compliance, then the Responsible Official can certify that the emission point(s) in question were in continuous compliance during the applicable time period.

⁴ Compliance status for these sources shall be based on a reasonable inquiry using readily available information.

II. Status for Accidental Release Prevention Program:

- A. This facility _____ is subject _____ is not subject to the provisions of the Accidental Release Prevention Program (Section 112(r) of the Federal Clean Air Act)
- B. If subject: The facility _____ is _____ is not in compliance with all the requirements of section 112(r).
1. A Risk Management Plan _____ will be _____ has been submitted to the appropriate authority and/or the designated central location by the required date.

III. Certification

I have reviewed this certification in its entirety and, based on information and belief formed after reasonable inquiry, I certify that the statements and information contained in this certification are true, accurate and complete.

Please note that the Colorado Statutes state that any person who knowingly, as defined in § 18-1-501(6), C.R.S., makes any false material statement, representation, or certification in this document is guilty of a misdemeanor and may be punished in accordance with the provisions of § 25-7 122.1, C.R.S.

Printed or Typed Name

Title

Signature

Date Signed

NOTE: All compliance certifications shall be submitted to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit.

Operating Permit Number: 96OPAD172

FIRST ISSUED: 10/1/98

RENEWED: 8/1/11

APPENDIX D
Notification Addresses

1. Air Pollution Control Division

Colorado Department of Public Health and Environment
Air Pollution Control Division
Operating Permits Unit
APCD-SS-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530

ATTN: Matt Burgett

2. United States Environmental Protection Agency

Compliance Notifications:

Office of Enforcement, Compliance and Environmental Justice
Mail Code 8ENF-T
U.S. Environmental Protection Agency, Region VIII
1595 Wynkoop Street
Denver, CO 80202-1129

Permit Modifications, Off Permit Changes:

Office of Partnerships and Regulatory Assistance
Air and Radiation Programs, 8P-AR
U.S. Environmental Protection Agency, Region VIII
1595 Wynkoop Street
Denver, CO 80202-1129

APPENDIX E
Permit Acronyms

Listed Alphabetically:

AIRS -	Aerometric Information Retrieval System
AP-42 -	EPA Document Compiling Air Pollutant Emission Factors
APEN -	Air Pollution Emission Notice (State of Colorado)
APCD -	Air Pollution Control Division (State of Colorado)
ASTM -	American Society for Testing and Materials
BACT -	Best Available Control Technology
BTU -	British Thermal Unit
CAA -	Clean Air Act (CAAA = Clean Air Act Amendments)
CCR -	Colorado Code of Regulations
CEM -	Continuous Emissions Monitor
CF -	Cubic Feet (SCF = Standard Cubic Feet)
CFR -	Code of Federal Regulations
CO -	Carbon Monoxide
COM -	Continuous Opacity Monitor
CRS -	Colorado Revised Statute
EF -	Emission Factor
EPA -	Environmental Protection Agency
FI -	Fuel Input Rate in mmBtu/hr
FR -	Federal Register
G -	Grams
Gal -	Gallon
GPM -	Gallons per Minute
HAPs -	Hazardous Air Pollutants
HP -	Horsepower
HP-HR -	Horsepower Hour (G/HP-HR = Grams per Horsepower Hour)
LAER -	Lowest Achievable Emission Rate
LBS -	Pounds
M -	Thousand
MM -	Million
MMscf -	Million Standard Cubic Feet
MMscfd -	Million Standard Cubic Feet per Day
N/A or NA -	Not Applicable
NO _x -	Nitrogen Oxides
NESHAP -	National Emission Standards for Hazardous Air Pollutants
NSPS -	New Source Performance Standards

P -	Process Weight Rate in Tons/Hr
PE -	Particulate Emissions
PM -	Particulate Matter
PM ₁₀ -	Particulate Matter Under 10 Microns
PSD -	Prevention of Significant Deterioration
PTE -	Potential To Emit
RACT -	Reasonably Available Control Technology
SCC -	Source Classification Code
SCF -	Standard Cubic Feet
SIC -	Standard Industrial Classification
SO ₂ -	Sulfur Dioxide
TPY -	Tons Per Year
TSP -	Total Suspended Particulate
TOC -	Total Organic Compounds
VOC -	Volatile Organic Compounds

APPENDIX F
Permit Modifications

DATE REVISION	OF	TYPE REVISION	OF	SECTION NUMBER, CONDITION NUMBER	DESCRIPTION OF REVISION

APPENDIX G Compliance Assurance Monitoring Plan

I. Background

a. Emission Unit Description:

Tank truck loading rack with a 600 gallon per min per arm batch capacity. The loading rack system was first placed in service in 1963. Uncontrolled VOC emissions for this unit are 1024 tons per year.

During the tank truck loading operation, displaced vapors from the carriers are vented through the vapor collection system and are routed to Tank S001). Tank S001 is equipped with a lifter roof which expands as vapors are vented into the tank. Once vented into Tank S001, a portion of the vapors condense and the lifter roof lowers. If the volume of vapors in Tank S001 exceeds the capacity of the tank, the vapors are vented to a VCU where they are thermally destructed.

Prior to loading, each tank truck must have a valid vapor tightness certificate on file and verification of the tank truck identification number corresponding to the valid vapor tightness certificate is made by the automated control system. Connection of the tank truck to the vapor collection system and ground also must be established prior to loading.

b. Applicable Regulation, Emission Limit, Monitoring Requirements:

Regulations:	Construction Permit 96AD132, Operating Permit 96OPAD172 Section II, Condition 2.5, BBBB.
Emission Limitations:	VOC: 146.5 tons/yr HAP: 8 tons/yr single HAP 20 tons/yr total HAP

c. Control Technology:

Control Device:	John Zink Smokeless Flare, GV-ZTOF-4500-1
Control Technology:	Combustion of organic vapors

II. Monitoring Approach

Indicator	Pilot Flame Presence
I. Indicator	Heating sensing device that meets the requirement of Condition 5.7.1.1 (§63.11092).
	The condition of the indicator is either pilot flame on or off.
II. Indicator Range	Excursions shall be any event when the VCU is required to operate, but monitoring indicates the pilot flame is not present.
III. Performance Criteria	
a. Data Representation	The heat sensing device indicates the presence of a flame.
b. QA/QC Practices and Criteria	The heat sensing device shall meet the requirement of Condition 5.7.1.1 (§63.11092(b)(1))
d. Monitoring Frequency	When the VCU is required to operate, the presence of pilot flame is continuously monitored during the loading sequence.

III. Justification

a. Background:

The pollutant specific emission unit is the tank truck loading rack. The tank truck loading rack has the capacity to transfer 600 gallons per min per arm of gasoline. Emissions from the tank truck loading rack are routed to an enclosed ground VCU.

b. Rational for Selection of Performance Indicators and Indicator Ranges:

The destruction of VOC is dependent upon combustion. The VCU is equipped with a thermal device to ensure that a flame is present. If the thermal device indicates there is no flame detected, the vapors will continue to stay in its original tank, S001, and not be routed to the VCU.

The Area Source MACT for Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities requires sources equipped with a thermal oxidation system to monitor the presence of a flame. The CAM rule specifies that monitoring required for a MACT standard is presumptively acceptable monitoring, provided that the monitoring is applicable to the performance of the control device (40 CFR Part 64 § 64.4(b)(4)). Since the MACT monitoring is for the same control device (an enclosed VCU is considered a thermal oxidation system under the MACT), the Division considers that the indicators are presumptively acceptable.